

Policy and Sustainability Committee

10.00am, Tuesday, 21 March 2023

Independent Inquiry and Whistleblowing Culture Review – referral from the City of Edinburgh Council

Executive/routine
Wards
Council Commitments

1. For Decision/Action

- 1.1 The Policy and Sustainability Committee is asked to note the decision of the City of Edinburgh Council.

Richard Carr

Interim Executive Director of Corporate Services

Contact: Louise Williamson, Committee Services, Legal and Assurance Division

E-mail: louise.p.williamson@edinburgh.gov.uk

Referral Report

Independent Inquiry and Whistleblowing Culture Review

2. Terms of Referral

2.1 On 7 February 2023, the City of Edinburgh Council considered a report by the Chief Executive which presented an update on the programme of work underway to address the recommendations and observations agreed by Council in respect of both the Independent Inquiry and the Whistleblowing Culture Review.

2.2 Progress against timelines had been made across all five themes – Policy, Investigations, Learning, Systems and Processes, and the Redress Scheme and in order to fully address all recommendations critical dependence was placed upon funding approval for a cloud-based HR and Payroll system and a solution to all employee access to the Orb.

2.2 Motion

- 1) To note the progress made in addressing the recommendations agreed at Council in respect of both the Independent Inquiry and the Whistleblowing Culture Review.
- 2) To note the criticality of considering the implementation of the recommendations in the context of also delivering the commitments in the Council's People Strategy ('Our Future Council' 2021-2024 approved in April 2021 at Policy and Sustainability Committee) to support enduring cultural transformation.
- 3) To note that the report by the Chief Executive would be referred to Policy and Sustainability Committee on 21 March 2023.
- 4) To note that a significant number of CEC employees do not have their own Council email address.
- 5) To agree to achieve meaningful, enduring cultural transformation, the provision of an individual Council email address for every employee is given priority.
- 6) To request that a clear timeline for achieving this be set out in a covering report to this report and submitted to the Policy and Sustainability Committee for consideration at its 21 March meeting.

- moved by Councillor Day, seconded by Councillor Lezley Marion Cameron

Amendment 1

- 1) To note the progress made in addressing the recommendations agreed at Council in respect of both the Independent Inquiry and the Whistleblowing Culture Review.
- 2) To note the criticality of considering the implementation of the recommendations in the context of also delivering the commitments in the Council's People Strategy ('Our Future Council' 2021-2024 approved in April 2021 at Policy and Sustainability Committee) to support enduring cultural transformation.
- 3) To note that the report by the Chief Executive would be referred to Policy and Sustainability Committee on 21 March 2023.
- 4) To note the "Elected Member Reference Group" has not met in 6 months and therefore agrees to disband this group in favour of update and decision reports coming to relevant committees and council to be dealt with transparently.

- moved by Councillor McVey, seconded by Councillor Macinnes

Amendment 2

- 1) To note the progress made in addressing the recommendations agreed at Council in respect of both the Independent Inquiry and the Whistleblowing Culture Review.
- 2) To note the criticality of considering the implementation of the recommendations in the context of also delivering the commitments in the Council's People Strategy ('Our Future Council' 2021-2024 approved in April 2021 at Policy and Sustainability Committee) to support enduring cultural transformation.
- 3) To note that the report by the Chief Executive would be referred to Policy and Sustainability Committee on 21 March 2023.
- 4) To include an additional appendix when this report is referred to Policy and Sustainability Committee, providing a progress update and expected completion date against every recommendation made by the Inquiry and Review.
- 5) For the circa 5000 colleagues who do not have a corporate email address / device, requests officers to provide the same information about the new Investigation Team which has been provided digitally.

- moved by Councillor Miller, seconded by Councillor Parker

In accordance with Standing Order 22(12) Amendment 2 was accepted as an addendum to the Motion.

In accordance with Standing Order 22(12) Amendment 1 was adjusted and the Motion and Amendment 2 accepted as addendums to the adjusted Amendment 1.

Voting

The voting was as follows:

For the Motion (as adjusted) - 44 votes
For Amendment 1 (as adjusted) - 17 votes

(For the Motion (as adjusted): Lord Provost, Councillors. Arthur, Bandel, Beal, Booth, Bruce, Burgess, Caldwell, Cameron, Cowdy, Dalgleish, Davidson, Day, Dijkstra-Downie, Doggart, Faccenda, Flannery, Graham, Griffiths, Heap, Jenkinson, Jones, Lang, McKenzie, Meagher, Miller, Mitchell, Mowat, Mumford, Munro, O'Neill, Osler, Parker, Pogson, Rae, Neil Ross, Rust, Staniforth, Thornley, Walker, Watt, Whyte, Young and Younie.

For Amendment 1 (as adjusted): Councillors Aston, Biagi, Campbell, Dixon, Dobbin, Fullerton, Gardiner, Glasgow, Hyslop, Key, Kumar, Macinnes, Mattos Coelho, McFarlane, McVey, Nicolson, and Work.)

Decision

To approve the following adjusted motion by Councillor Day

- 1) To note the progress made in addressing the recommendations agreed at Council in respect of both the Independent Inquiry and the Whistleblowing Culture Review.
- 2) To note the criticality of considering the implementation of the recommendations in the context of also delivering the commitments in the Council's People Strategy ('Our Future Council' 2021-2024 approved in April 2021 at Policy and Sustainability Committee) to support enduring cultural transformation.
- 3) To note that the report by the Chief Executive would be referred to Policy and Sustainability Committee on 21 March 2023.
- 4) To note that a significant number of CEC employees do not have their own Council email address.
- 5) To agree to achieve meaningful, enduring cultural transformation, the provision of an individual Council email address for every employee is given priority.
- 6) To request that a clear timeline for achieving this be set out in a covering report to this report and submitted to the Policy and Sustainability Committee for consideration at its 21 March meeting.
- 7) To include an additional appendix when this report is referred to Policy and Sustainability Committee, providing a progress update and expected completion date against every recommendation made by the Inquiry and Review.
- 8) For the circa 5000 colleagues who do not have a corporate email address / device, requests officers to provide the same information about the new Investigation Team which has been provided digitally.

3. Background Reading/ External References

Minute of the City of Edinburgh Council of 9 February 2023.

4. Appendices

Appendix 1 – Report by the Chief Executive

10.00am, Thursday 9 February

Independent Inquiry and Whistleblowing Culture Review Update

Executive/routine
Wards
Council Commitments

1. Recommendations

- 1.1 To note the progress made in addressing the recommendations agreed at Council in respect of both the Independent Inquiry and the Whistleblowing Culture Review.
- 1.2 To note the criticality of considering the implementation of the recommendations in the context of also delivering the commitments in the Council's People Strategy ('Our Future Council' 2021-2024 approved in April 2021 at Policy and Sustainability Committee) to support enduring cultural transformation.
- 1.3 To note this Report will be referred to Policy and Sustainability Committee 21st March 2023.

Andrew Kerr,

Chief Executive

Contact: Margaret-Ann Love, Acting Service Director Human Resources

Email: margaretann@edinburgh.gov.uk

Nick Smith, Service Director Legal & Assurance

Email: nick.smith@edinburgh.gov.uk

Independent Inquiry and Whistleblowing Culture Review Update

2. Executive Summary

- 2.1 This report provides an update on the programme of work underway to address the recommendations and observations agreed by Council.
- 2.2 Progress against timelines has been made across all five themes – Policy, Investigations, Learning, Systems & Processes, and the Redress Scheme.
- 2.3 In order to fully address all recommendations critical dependence is placed upon funding approval for a cloud-based HR and Payroll system and a solution to all employee access to the Orb.

3. Background

- 3.1 The Council commissioned Susanne Tanner QC to lead an inquiry into complaints about the conduct of the late Sean Bell, a former senior manager in (what was then) its Communities and Families Directorate, who passed away in August 2020. The outcome of that Inquiry was reported to Council in October 2021.

An additional independent review into the Council's whistleblowing culture was also agreed which was overseen by Inquiry Chair, Susanne Tanner QC, assisted by law firm Pinsent Masons. The background to this review was set out in the report presented to full Council in December 2021, together with additional budget to develop and deliver a substantial programme of work to implement all the recommendations.

- 3.2 The programme of work is structured around five themes:

- 1) Policy review/development
- 2) Investigations
- 3) Leadership, training, and development
- 4) Systems and processes
- 5) Redress Scheme and other matters.

- 3.3 In addition to this update report, in person sessions were offered to all elected members in June to update on progress made and a full update was presented to Council in August 2022.

4. Main report

4.1 Progress has been made to implement the recommendations across the five themes.

4.2 In addition to the implementation of the recommendations it is critical that the Council focuses on maximising this opportunity for true cultural transformation and therefore recognises the breadth of work required to do this. In essence this encompasses the delivery of the commitments in the [Council's People Strategy \('Our Future Council 2021-2024'\)](#) against which much progress has been made.

4.3 Policy Development/Review

Significant progress has been made across all aspects of the Policy workstream.

4.3.1 To date the following Policies have been reviewed/revised and approved by Committee:

- Domestic Abuse Policy approved in March 2022, follow up minor amendments approved in January 2023
- Chief Executive & Chief Officer Disciplinary policy approved in March 2022
- Disciplinary Policy Teachers approved in August 2022
- Disciplinary Policy Local Government Employees approved in August 2022
- Personnel Appeals Committee (Disciplinary hearings) approved August 2022
- Code of Conduct approved in January 2023
- Trade Union Facility Time approved in January 2023.

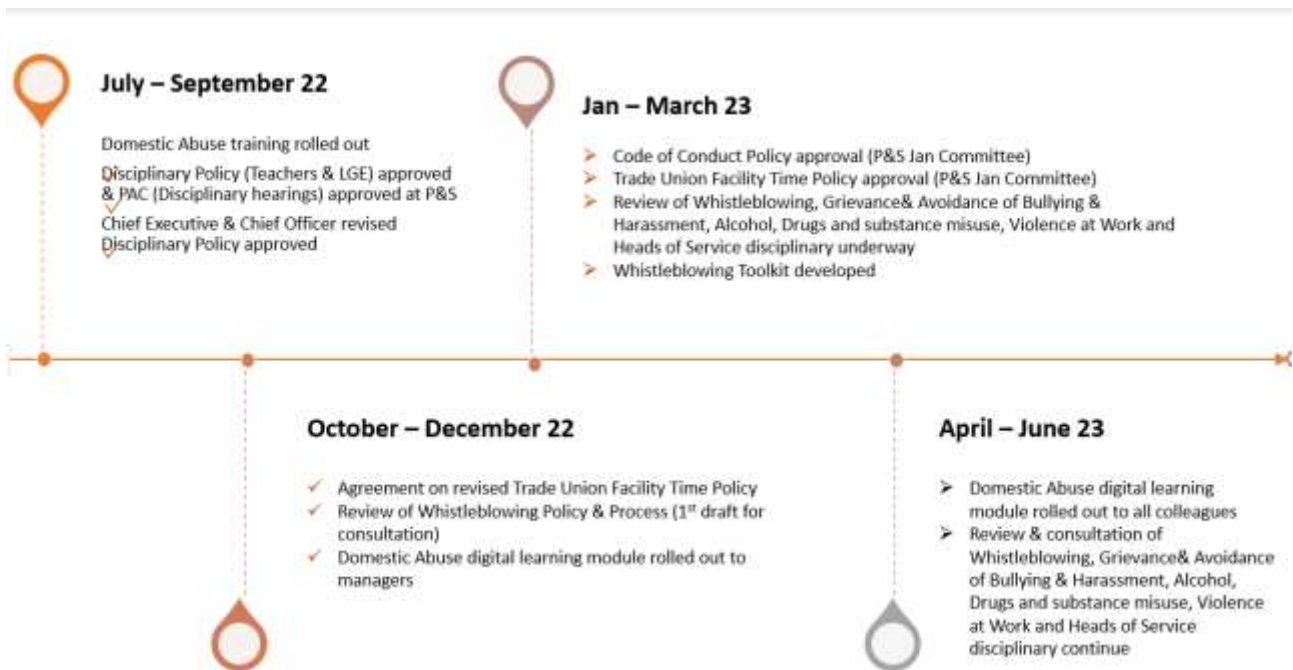
4.3.2 The immediate focus is to continue to work with Trade Unions and seek Committee approval on the remaining policies in scope:

- The revised Whistleblowing Policy – this is nearly in final form. Comments from Trade Union colleagues and Safecall have been incorporated and GRBV committee have indicated that they wish to discuss the policy with Union colleagues prior to approval. This will be facilitated in early course prior to the new policy being sent to Policy and Sustainability Committee for approval.
- Alcohol, drugs, and substance misuse
- Grievance & Avoidance of Bullying and Harassment
- Violence at Work
- Disciplinary Procedure for Senior Officers

4.3.3 Additionally, work is underway to develop a Dignity at Work toolkit which will further strengthen our commitment as an organisation to develop an inclusive culture and workplace; one which recognises and values the contribution that a diverse workforce makes. And, specifically to further support colleagues with protected characteristics and demonstrate our commitment against bullying & harassment.

4.3.4 Communications to all colleagues have been issued in relation to new policies to ensure visibility, understanding and are successfully implemented. Specific efforts

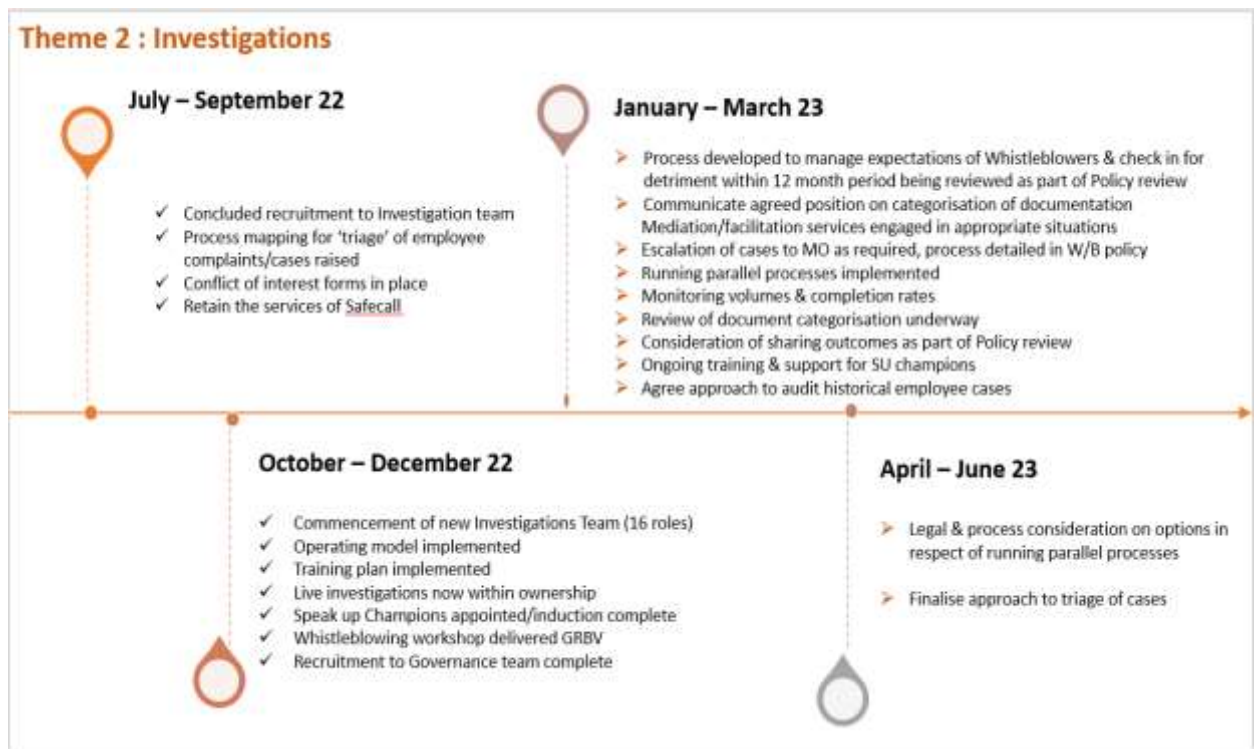
continue to be made to communicate with frontline colleagues who don't currently have access to the Orb or a council email.



4.4 Investigations

Significant progress has been made concerning the establishment of the new investigations team.

- 4.4.1 Recruitment to the Investigations team was carried out during July and August 2022 with colleagues joining the new team in September and October 2022. All team members have received training aligned to the recommendations during the first 4 months of operations. The establishment of the new Investigation Team was communicated to all colleagues in November 2022 through the Chief Executive's vlog and a Newsbeat article to introduce the new team.
- 4.4.2 An operating model and running of parallel processes have been implemented with the Governance, Human Resources Case and Investigations teams meeting on a regular basis to ensure correct triage of cases. Escalation of cases to the Council Monitoring Officer as required is in place.



4.5 Leadership, learning & development

- 4.5.1 The broader organisational commitments relating to Leadership, Learning and Development are primarily delivered through the approved outcomes in our People Strategy ('Our Future Council' 2021-2024) and the Council's Strategic Workforce Plan (2021-2024).
- 4.5.2 Specifically, in respect of the Inquiry and Review recommendations a programme of training and learning has been developed to align with policy review and implementation.
- The development and design of digital learning modules for both the revised Code of Conduct and the Whistleblowing Policy are underway. The learning materials, when tested and approved, will be rolled out to all colleagues.
 - A revised digital module is being designed for roll out to all colleagues using early feedback from managers from the pilot of 'Tackling Domestic Abuse as a Workplace Issue' training .
 - Additionally, work will commence on the design of in-person learning workshops which focus on implementing policy in practice to support our digital learning offering.
- 4.5.3 A new leadership development assessment tool, based on a 360 approach with the Council's new behaviours embedded in it, has been piloted during January 2023 and roll out will commence to Senior Leadership Team in February 2023.

Theme 3 : Leadership, Learning & Development



4.6 Systems and Processes

- 4.6.1 The high number of recommendations in this theme are dependent on a procurement exercise for the Council's HR & Payroll system to enable the much-needed improved core functionality. This has now been completed and will be considered for approval as part of Council's budget framework report in February 2023. If approved, this will enable a prioritised roadmap of system development and would enable much needed improvements for the Council.
- 4.6.2 Additionally, a technical solution was required in respect of enabling access to the Council's 'Orb' (intranet) on which organisational and Directorate specific information and communications are held. Additionally, it is where employees access employment policies and supporting guidance, wellbeing support (Employee Assistance Programme), our benefits platform etc. A Rough Order of Magnitude has been completed by CGI (the Council's Strategic Digital Partner) which has enabled the completion of a business case with full costings. This was approved by the Corporate Leadership Team in January 2023. The funding required for this solution is already provided for within the approved funding for the implementation of the Inquiry and Review recommendation.
- 4.6.3 However, the Council will still have a dependency on employees who are not issued with a corporate email address/device (circa 5,000) to provide a personal email address and to use a personal device to be able to access the Council's digital learning platform. Therefore, we remain reliant on system workarounds and tactical solutions which we continue to work with and promote.

4.7 Whistleblowing/Safecall

The remaining focus in this Theme focusses on all Whistleblowing actions as well the Council's contract with Safecall.

- 4.7.1 Recruitment to the additional approved roles in the Council's Governance team was completed in January 2023.
- 4.7.2 A Whistleblowing workshop was held with Governance, Risk and Best Value Committee members in November 2022 to discuss changes to be made to current Policy and revised reporting arrangements for GRBV. To support the revised Whistleblowing policy once approved, a new training module is being designed and will be rolled out to all employees.
- 4.7.3 Speak up Champions were appointed in November and have subsequently attended induction events. Ongoing work with the Speak Up Champions continue in readiness to plan an organisation-wide launch.
- 4.7.4 Ongoing negotiations with Safecall to discuss recommendations outside the current contract, with additional costs to be agreed.
- 4.7.5 Whistleblowing training for Elected Members was a Review recommendation and has been provisionally scheduled for March 2023.



4.8 Redress scheme

The Redress scheme was launched on 5 September 2022 and is managed by the Scheme Administrator, Pinsent Masons. A sum of up to £1.5m has been set aside by the Council to provide compensation to survivors. To date 14 enquiries have been received into the Scheme inbox. It is proposed that the Scheme will come to

an end, as originally planned, on 4th March 2023. The result of this will be reported to Group Leaders.



5. Next Steps

- 5.1 Ongoing delivery of all the recommendations and observations from the Independent Inquiry and Whistleblowing Culture Review with oversight and scrutiny provided by Corporate Leadership Team, Council and Committee (GRBV and Policy and Sustainability).
- 5.2 A further update to be provided to Council in August 2023.
- 5.3 To refer this paper to Policy and Sustainability Committee Tuesday 21st March 2023.

6. Financial impact

- 6.1 Implementation of the recommendations within agreed budget to deliver the recommendations as agreed at Council 2022.

- 6.2 The Business Case relating to the Council's Human Resources system has been completed and will be considered for approval by Finance and Resources Committee 7th February 2023 and Full Council 23rd February 2023.
- 6.3 The cost implication for implementing the solution to enable all employee access to the Orb (the Council's intranet) was approved by Corporate Leadership Team (25th January 2023) and will be met by the approved Inquiry and Review budget.
- 6.4 To date, the projected spend for 22/23 is £1,442,000 which will result in a £58,000 underspend in the budget allocated to the Inquiry and Review. The underspend is mainly due to challenges in recruiting to key roles.

7. Stakeholder/Community Impact

- 7.1 Ongoing engagement and communication with relevant stakeholders including colleagues, Elected Members and Trade Unions. The development of a Communications Plan has provided the mechanism for regular updates by means of:
- Chief Executive and Director Vlogs
 - Newsbeat
 - Regular updates to Corporate Leadership Team
 - Targeted emails to People Leaders
 - Targeted emails to offline colleagues to their personal email addresses they provide (currently 4000 subscribed to receive these emails)
 - Halo (the current HR CRM)
 - 'Orb' (the Council's intranet)
 - Ongoing efforts to create a network of 'offline' colleagues
- 7.2 The communications plan also seeks to run a dedicated campaign to help colleagues to feel safe making a disclosure, understand the routes through which disclosures can be made and raise awareness of the support available if they choose to report or have experienced inappropriate behaviours or conduct.

8. Background reading/external references

- 8.1 Independent Inquiry Report Arising Out of Allegations Concerning the Conduct of the late Sean Bell – Report by the Chief Executive (28 October 2021) Investigation Reports
- 8.2 Update on recommendations (25 November 2021) Independent Inquiry Report Arising Out of Allegations Concerning the Conduct of the Late Sean Bell – Update on Recommendations
- 8.3 Review of Whistleblowing and organisational Culture (16th December 2021) - Independent Review into Whistleblowing and Organisational Culture

- 8.4 Independent Review into Whistleblowing Culture (10th February 2022) - Independent Review into Whistleblowing and Organisational Culture
- 8.5 Independent Review into Whistleblowing Culture (25 August 2022) - Independent Review into Whistleblowing and Organisational Culture.

9. Appendices

- 9.1 Approved governance structure in place in respect of Inquiry and Review oversight, reporting and scrutiny:

