

10.00am, Thursday 10 February 2022

## Independent Review into Whistleblowing and Organisational Culture – next steps

Executive/routine  
Wards  
Council Commitments

Executive

### 1. Recommendations

---

- 1.1 To note that the Council recognises that the Independent Inquiry into the conduct of the late Sean Bell (the “Inquiry”) has been a very difficult process for the survivors, as well as for colleagues and others affected. The Council wishes to repeat its sincere thanks to those who came forward in these challenging circumstances.
- 1.2 To note that, whilst the Cultural Review (the “Review”) provided a welcome opportunity for individuals to come forward, this too has been challenging for individuals who approached the Review. Again, the Council wishes to thank all of those who came forward.
- 1.3 The Council has given serious consideration to the findings of both the Inquiry and the Review and reaffirms its commitment to addressing all recommendations and observations in each.
- 1.4 To note that, in respect of the Inquiry, formal letters have been sent by the Council to those survivors it is aware of who suffered abuse by Mr Bell offering the Council’s deepest sympathies. The Chief Executive has also met with survivors identified in the report in person.

- 1.5 To note that the proposed plan and progress to date for the Review also incorporates the recommendations from the Inquiry (the “Inquiry”) in relation to the conduct of the late Sean Bell as reported to Council in October 2021.
- 1.6 To note that future ability to meaningfully progress the plan will require adequate resource being allocated.
- 1.7 To note and approve the financial and resourcing implications of the recommendations and observations which are likely to span recurring budget cycles and will be subject to approval by Council as part of the annual budget setting process.
- 1.8 To agree to a proposed six-month reporting cycle to Policy and Sustainability Committee on the delivery of actions in relation to the key recommendations.

**Andrew Kerr**

Chief Executive

E-mail: [andrew.kerr@edinburgh.gov.uk](mailto:andrew.kerr@edinburgh.gov.uk) | Tel: 0131 469 3002

# Report

## Independent Review into Whistleblowing and Organisational Culture – next steps

### 2. Executive Summary

---

- 2.1 The Council recognises that the Independent Inquiry has been a very difficult process for the survivors, as well as all staff and others affected. The Council wishes to thank those who came forward in these difficult circumstances.
- 2.2 Additionally, the Council also recognises that whilst Cultural Review provided a welcomed opportunity for individuals to come forward, this too has been challenging for individuals and the Council wishes to thank all of those who came forward.
- 2.3 The Council has given serious consideration to the recommendations of both the Inquiry and the Review and reaffirms its commitments to addressing all recommendations and observations.
- 2.4 The Review which reported to Council in December 2021 brought together the observations of Susanne Tanner QC and included 50 recommendations which full Council accepted in full. A key action was for officers to return to Council within one reporting cycle with an implementation and monitoring plan. This was to include costings where possible.
- 2.5 There is a degree of crossover between recommendations from the Inquiry and the Review. They have therefore been grouped together into five themes which will be used to update on progress. These themes and associated progress with recommendations and actions are attached at Appendix 1. It should be noted that the recommendations vary in nature and, while some can be treated as outputs with a milestone date, others should be treated as outcomes and monitored over a longer period. Others are transformational in nature, such as ongoing cultural reform, and will therefore span the short to longer term. This will have ongoing budget and resource implications for the organisation, some of which have been detailed in this report.
- 2.6 To fully implement the agreed recommendations will have both cost and resource implications, some of which can be detailed now but some will require further consideration.

- 2.7 A significant investment will be required to improve the functionality of the Council's Human Resources system if the recommendations in relation to triage, investigations, record management and training are to be properly delivered. Additionally, budget will be required to develop a solution to enable access to organisational information (e.g. the intranet (Orb)) for all employees.

### 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 its Communities and Families directorate, who passed away in August 2020. The outcome of that Inquiry was reported to Council in October 2021, with a further follow up provided to Council on 25 November 2021.
- 3.2 An additional review into the Council's culture was agreed at the Policy and Sustainability Committee in October 2020. This was an independent assessment of the Council's whistleblowing and organisational culture 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 on 15 October 2020.
- 3.3 The Review team produced a report which identified key issues, findings and recommendations. This was considered by Council in December 2021. Officers have since been working through the implications of the recommendations from both the Inquiry and Review which, when taken together, form a considerable programme of work.

### 4. Main report

---

#### 4.1 Progress to date

As set out in both the 2018 Change Strategy and 2021 Business Plan, the Council is on a journey to evolve and improve its culture and ways of working. As referenced in the Review, considerable work has been undertaken in the last few years on culture, leadership, wellbeing, performance and training. Whilst this was slowed by the requirement to respond to the pandemic, the next section of the report outlines the progress to date and represents the baseline position for the implementation of the recommendations of the Review and the Inquiry.

Responding to the Inquiry and Review will mean and require different things for each part of the organisation and it is important that Susanne Tanner QC's recommendations are embedded into existing work where appropriate. The full list of recommendations and observations with next steps and impacts is set out at Appendix 1.

## 4.2 **People Strategy: Our Future Council 2021 - 2024**

The Council's People Strategy (Our Future Council 2021-2024) was approved in April 2021 at the Policy and Sustainability Committee. The strategy sets out a plan to ensure the Council's workforce can deliver the ambitious and exciting agenda in the Council's new Business Plan (Our Future Council, Our Future City). Central to this is the need to continue to develop a culture where our people feel safe, valued and included and therefore more motivated, engaged and productive. A programme of work was proposed and to date we have developed and significantly progressed the following work programmes:

- Organisational Change
- Organisational Purpose and Behaviours
- Diversity and Inclusion
- Our Future Work
- Leadership, Training and Development
- Policy review and Development
- Whistleblowing
- Investigations

It is important for Council to have an awareness of the work which has already been underway, in the main since 2015, as this provides the foundations upon which the Council will progress the recommendations.

## 4.3 **Organisational change**

We have continued to deliver a significant organisational agenda against a backdrop of Service redesign and headcount reduction.

Council approved a saving of £2.940m in 2021/22 in relation to a reorganisation of senior leadership roles and wider organisational change as a part of setting its budget in February 2021. This included a cost saving of £1.604m in relation to a review of Senior Leadership roles for 2021/22. The term Senior Leadership is taken to include management positions from Local Government Employee (LGE) Grade 9 and upwards, including Chief Officers. £1.776m of savings have already been delivered and further organisational reviews continue in Place Directorate and Human Resources to deliver further budget savings.

#### 4.4 Organisation Purpose and Behaviours

In the Summer of 2019, the Council launched a project to re-imagine its culture by engaging 1,500 colleagues to gain their views on what it should feel like to work for the Council and the collective behaviours we should all expect from one another. The Council's overall purpose for the city is:

**“We’re working together for the people of Edinburgh”**

We do this through our colleagues living the following behaviours:



This work forms an important starting point for implementing the recommendations and will continue into 2022 and beyond. This includes looking at strengthening behaviour-based recruitment (from adverts to interviews) and then embedding these behaviours into our colleague Performance Management approach and the Council's Leadership framework.

#### 4.5 Diversity and Inclusion

In October 2019, Policy and Sustainability committee approved the Council's Diversity and Inclusion Strategy and Plan. This work is critical in setting out the Council's commitment as an organisation to develop a truly inclusive culture and workplace, which values and recognises the importance of a diverse workforce to effective delivery and decision making. The strategy and plan were developed in consultation with colleagues, elected members, trade unions, colleague networks and specialist external organisations.

Since the plan was approved the organisational status has been benchmarked for Diversity & Inclusion by the Employers Network for Equality & Inclusion (ENEI) who fed back that progress had been made in all areas.

#### 4.6 **Our Future Work**

Covid-19 has led to a sustained period of home working and the need for frontline services to put in place alternative plans to enable services to continue. While initiated through necessity, the Council recognised the opportunity to move the culture forward and embed trust and empowerment by enabling more flexible working practices across the organisation. The Our Future Work Programme was established which has taken an engagement-led approach to defining future working practices. The Our Future Work Strategy was approved at Policy and Sustainability Committee in August 2021 and since then a programme team have taken forward a number of workstreams.

#### 4.7 **Leadership, Training and Development**

While Susanne Tanner QC has highlighted the need for more to be done, the Council is not starting from scratch, in particular when it comes to investing in leadership development and role related training.

- *'Future, Engage, Deliver'* : This is our leadership approach and since 2016, over 1,000 leaders have participated in and 32 learning sets have been established.
- *Conversation spotlight*: Around 1,300 leaders have engaged in these sessions where they are supported to have meaningful conversations that positively impact on work performance and relationships.
- *Wellbeing and sickness absence*: This workshop offers support with the implementation of our sickness absence policy through supportive conversations.
- *Leading for successful change*: this workshop gives participants the mindset and practical tools to lead people successfully through change, enabling them to be more confident and capable. Around 640 managers have engaged in these sessions since December 2020.  
*Be Well to Lead Well* - Around 300 managers have engaged in our award winning Be Well to Lead Well workshops since April 2021.
- Monthly *'Wider Leadership Team'* sessions, led by the Chief Executive, to ensure the Council's most senior leaders are engaged in the delivery of our strategic agenda.
- *Aspiring leaders*: we have opened our Leadership in a Box to those colleagues who aspire to move into a leadership role. All aspiring leaders can access the wide range of digital learning resources available on our learning platform, myLearning Hub.

In respect of *colleague learning*, we have procured, built and launched a new digital learning platform for all colleagues which includes digital learning modules, videos, book extracts, TED talks, policies, how to guides and online articles (myLearning Hub). To date 9,000 Council colleagues have activated their accounts and are accessing learning resources.

- *Role-Specific Learning*: Additionally, we continue to support and deliver role-related training:
  - manual handling and hoist;
  - Child and adult protection
  - Calm theory
  - Dealing with conflict and lone working
  - administering medicines in care homes and people's homes;
  - adult protection;
  - food hygiene;
  - introduction to dementia;
  - fire safety;
  - first aid;
  - infection control & PPE;
  - hazardous substances;
  - personal safety and lone working;
  - introduction to epilepsy;
  - slips trips and falls;
  - personal safety & safer lone working;
  - safe driving of company vehicles;
  - working at height;
  - control of vibration;
  - COSHH; and
  - conflict management.

There is more we aspire to deliver to support the leadership development and learning and development of our colleagues and this is a key pillar of our People Strategy 2021-24. However, Council is asked to note that all of this requires to be delivered within a finite budget envelope.

#### 4.8 Policy Review and Development

The Council continues to work in partnership with recognised Trade Unions on organisational matters. This includes Council policies, all of which are currently legally compliant. Resource is committed to reviewing policies on a planned basis, but since April 2019 the work was re-focused to work on guidance on all covid related matters e.g. furlough, Scottish/UK guidance etc.

It is intended that the policy team will now lead on the recommendations and observations which call for further reviews and potential reform or simplification/coordination of policies specifically related to employee conduct.

## 4.9 Whistleblowing

As noted in the Review, Edinburgh is one of the only Councils in Scotland to have established and maintained an independent whistleblowing service. Further, our whistleblowing policy enables matters to be raised which are far broader than those defined as 'public interest disclosures'. With the creation of an independent investigation service (as per agreed recommendations) we believe we will be the only Council with this level of resource for whistleblowing investigations.

In addition to the oversight provided by the Monitoring Officer and GRBV Committee, having Safecall in place since 2014 has sought to ensure that all matters raised have been appropriately examined and action taken where required.

Whilst work had already started prior to the Review being commissioned to make improvements to processes and update the Whistleblowing Policy and related training and processes, this was put on hold pending the outcome and the recommendations made by the Inquiry and the Review. This work will now continue.

## 4.10 Investigations

In 2018, a centralised team of experienced case consultants and advisers was created to support line managers and investigatory officers with matters relating to disciplinary, avoidance of bullying and harassment, complex absence, grievances and performance management. Additionally, to support data collation, a Customer Relationship Management (CRM) was developed and implemented within Human Resources to ensure that all cases escalated to Human Resources were logged, tracked and updated.

The next step is to establish a process, which requires investment in a system, for all cases (i.e. not just those escalated to Human Resources) to be logged, triaged and escalated for resolution under the correct procedure. This is in line with recommendations and observations from both the Inquiry and the Review.

In addition, Susanne Tanner QC recommended the setting up of an Independent Investigatory Unit which will replace the current model where Council officers are asked to undertake the role of investigatory officer. This will cover both HR matters and whistleblowing.

## 4.11 Further Work to deliver the recommendations

This report marks the starting point for a programme of work to implement all of the recommendations of Susanne Tanner QC from both the Inquiry and Review. There are of course resourcing and financial implications which will impact the pace and depth of this work. However, given the level of cultural

change that they will bring, it is also appropriate that the recommendations are delivered in a phased approach over several budget cycles.

In this first report, officers have sought to bring together the recommendations into a single programme of work which now needs to be resourced and planned. In the next update, members will see a full implementation programme, together with comprehensive information based on budget and resource availability.

Appendix 1 to this report sets each of the recommendations from the Inquiry and the Review, grouped under the most relevant theme. Where possible, next steps and resource impacts have also been included.

It is the view of officers that an initial tranche of recommendations and observations can be implemented in the short term. These are either considered essential in nature or have resource, system functionality and/or budget available to deliver them now. For the recommendations which come at additional recurring cost, the Council may be required to make savings elsewhere to make funding available in future years.

For ease, Susanne Tanner QC's recommendations have been grouped into five themes:

- Theme one: Policy development and review
- Theme two: Our approach to investigations
- Theme three: Our training and development offer (colleagues, line managers and elected members)
- Theme four: Systems and processes
- Theme five: Other

The next section of this report sets out initial next steps to deliver against these themes. It should be noted that this work will develop and evolve as resource is allocated and a full delivery programme is developed. It is clear that project management resource will also be required to assist with delivery and planning.

#### **4.12 Theme One: Policy Development and Review**

We will continue to deliver the actions in the Council's People Strategy 2021-2024. Those of most relevance to the recommendations in Appendix 1 are:

- Embedding the Council's new purpose and organisational behaviours
- Embedding Our Future Work & cultural ambitions for empowerment and flexibility
- Continuing to deliver on the Diversity & Inclusion Strategy and Plan
- Reviewing the overall approach to leadership – including the setting of expectations, objectives and support for all our leaders.

A revised Domestic Abuse policy will be taken to Policy and Sustainability Committee on 29 March 2022 for approval. Additionally, supporting training

has been developed which will be rolled out to all colleagues and elected members.

Having researched and benchmarked 'Working Relationships/Familial' policies, the decision has been taken to strengthen our existing Disciplinary Code in respect of the recommendations. This revised policy will be taken to Policy and Sustainability Committee in Summer 2022.

A Chief Executive and Chief Officer Disciplinary Policy has been consulted on and will be taken to Policy and Sustainability Committee as soon as possible once consultation comments have been considered.

Further, the following policies relating to staff conduct will be reviewed to determine whether they could be consolidated and simplified :-

- Code of Conduct;
- Violence at work;
- Alcohol, drugs & substance;
- Avoidance of Bullying and Harassment;
- Grievance – Local Government Employees (plus Personnel Appeals Committee) and Teachers (plus Personnel Appeals Committee); and
- Disciplinary – Local Government Employees (plus Personnel Appeals Committee) and Teachers (plus Personnel Appeals Committee).

This is a considerable agenda of policy review and potential reform and therefore will require 18-24 months to complete and will require additional resource to complete within this timeframe (2 x G8 Employee Policy Consultant – 24-month fixed term contract). Additional budget will also be required to develop and roll out the required training (2 x G8 Learning & Development Consultant recurring). The timeframe is also dependent on Trade Union capacity (for consultation) and colleague capacity (in terms of embedding new policies and undertaking training).

Whistleblowing – work had already started to further strengthen the Council's current policy prior to the commencement of the Review. The Council will ensure this work takes account of all the matters identified as part of the Inquiry and the Review and brought back to Committee for approval. In the meantime, certain enhancements are working in practice in any event, including the follow up of actions, the use of closure reports for major matters and the cross referral to ECF Committee for all child protection matters.

Officers will be discussing with Safecall the changes required to put into effect the recommendations, including the implementation of new KPIs, changes to processes and procedures (including record keeping) and the inclusion of additional services. This will have as yet unknown cost implications.

To deal with the revised aspects of Whistleblowing, including triage, case management, training and liaison as well as follow-up, it is currently estimated that resource of 3 x Gr8 officers within the Governance team will be required.

#### 4.13 **Theme Two: Our approach to Investigations**

The Council has an established practice whereby investigations (grievance, avoidance of bullying and harassment, disciplinary and some whistleblowing cases) are undertaken by a pool of circa 45 colleagues who act as an Investigatory Officer.

In addition to this internal resource, HR have employed a dedicated Investigatory Officer and have appointed a second role in February 2022 to bring some additional capacity. The Council also engages external specialist resource to support capacity demand, and the most complex investigations, at additional cost to the organisation.

Whilst the existing internal Investigatory Officer pool have attended a series of masterclasses to support their role, they all have substantive roles to carry out and it is recognised that they are asked to undertake (often time-pressured and complex) investigations 'above and beyond' their 'day jobs'. That said, this practice has been adopted due to resource and budget constraints and is also a practice which is widely used within other organisations.

Susanne Tanner QC called for the establishment of an independent and experienced team of investigatory officers. While this will free up capacity across the organisation, it will require ongoing budget and the creation of a new team. The current expectation is set out in the costings in Appendix 2, which includes sums for external specialist resource for trauma support or mediation which could cost up to £1000 per day.

#### 4.14 **Theme Three: Our Training and Development Offer**

In addition to the development and training detailed above, the following has been identified through the recommendations:

- Annual Domestic abuse and coercive control training for all colleagues and elected members
- Whistleblowing training for managers/leaders and elected members
- Member-Officer Protocol and Councillor Conduct training (including the 2021 Code of Conduct for Councillors)
- Legal professional privilege training
- Training for Avoidance of Bullying and Harassment

Together with the revised Domestic Abuse Policy we will strengthen the Council's training offering with a requirement for all colleagues and elected members to undertake it annually.

Training on whistleblowing disclosures will be refreshed and rolled out in tandem with the roll-out of the new Whistleblowing Policy once approved.

This will have both cost and resource implications which need to be determined in line with the totality of training which will be required to embed the recommendations.

As per established practice, elected member inductions will be arranged post the outcome of the Local Government elections. Susanne Tanner QC calls for further training for all colleagues and elected members, with the following being made mandatory:

- Domestic abuse training
- Whistleblowing training, including guidance on disclosures
- Member-Officer Protocol and Councillor Conduct training (including the 2021 Code of Conduct for Councillors).

The development and ongoing delivery of the above training will have cost and resource implications (see Section 6 and Appendix 2).

In order to enable access to learning and to keep learning records for all employees, everyone needs access to the Council's myLearning Hub. Currently, there are circa 5,000 employees unable to get onto the network (as they do not have intranet access). Officers will bring advice to a future committee on how this can be resolved, but it will require allocation of additional budget (see Appendix 2 – Non staff costs).

#### **4.15 Theme Four – Systems and processes**

Currently there are multiple routes by which a concern or issue can be escalated, whether that be formally or informally, including through employment policy, whistleblowing, SHE (Health and Safety portal), Human Resources, trade unions or via line management.

Initial discussions have commenced on how this could be improved, including early engagement on options with Trade Unions and colleagues, including those in our Colleague Networks. Further work needs to be undertaken prior to reaching a firm conclusion on how this will operate in practice, but it will certainly have cost and resource implications. Additionally, there will need to be system functionality developed to enable this.

The recommendation to identify, appoint and train Whistleblowing champions within our organisation will be taken forward and implemented.

It is also recognised that in order to address all the recommendations and observations in both the Inquiry and the Review, investment will be required in core systems. This includes the HR system and a solution to enable all employees to have access to organisational information, such as the Orb and myLearning Hub. A business case is currently in development which will need to be considered as part of the budget setting process.

Our current HR system has no core case management functionality. Currently, a third-party CRM is being used to simply log cases and to help with managing the 'case' process. It does not enable triage or offer the ability to perform complex data analysis, e.g. spotting trends, etc. A core HR solution that can administer all aspects of cases from logging, sending electronic letters and meeting notifications, to allowing access to named individuals at certain points only, etc. is required in order to fulfil all recommendations outlined.

The other key aspects which must be considered are GDPR and record-keeping. As case management is not part of the Council's core HR system, there is duplication of process (as core HR has to be updated separately for resultant impacts on pay, adjustments etc). Pertinent data retention rules cannot be effectively set against our data retention policy in the CRM. Another key driver here for having case management as part of core HR is the reporting. We would be able to effectively and easily report on all cases, the stages they are at, 'hotspots' (in order to act quickly and intervene appropriately) and ensure correct and timely record-retention and destruction.

Additionally, recommendation 14 calls for the offer to be made to all leavers of a face to face exit interview. Our current exit interview process was revised last year and is an online survey, as there is no resource capacity to offer face to face interviews. To implement this recommendation a further resource (G6 HR Consultant) would be required to manage the end to end exit interview process (based on circa 2,000 leavers a year).

#### 4.16 Theme Five – Other

##### **Redress scheme**

Full Council has accepted that an appropriate Council redress scheme is required to compensate those who have suffered as a consequence of the abuse by the late Sean Bell. The Council is continuing to liaise with its insurance provider in relation to the requirement to host appropriate redress arrangements. The main requirements of the voluntary private redress scheme require the Council to finalise the scheme's structure, operation and timescales to ensure that scheme applicants and the Council are able to resolve matters quickly, to ensure provision is also made for restorative justice and that a survivor first approach is prioritised. It is currently anticipated that this will take 3-6 months to set up.

## **5. Next Steps**

---

- 5.1 To approve the immediate next steps to take forward the recommendations and observations from both the Inquiry and Review and to note and approve the budget implications set out in Appendix 2 and that there may be some as yet unknown further budget and resource implications (e.g. redress scheme).

## **6. Financial impact**

---

- 6.1 The costs of the Inquiry and the Review to date are £1.37m. These costs have been met through the approved use of Council reserves and regular updates have been incorporated within the Revenue Monitoring reports to the Finance and Resources Committee, most recently on 3 February 2022.

- 6.2 There are significant ongoing financial implications arising from both the Inquiry and the Review. As indicated in the Review, Council needs to agree the budget allocation and phasing to implement the recommendations and observations in full.
- 6.3 Appendix 2 details the additional staffing costs anticipated of some £1.75m in 2022/23, £2m in 2023/24 and £1.8m annually thereafter.
- 6.4 The report on the Council's 2022/27 revenue budget framework considered by the Finance and Resources Committee on 3 February 2022 assumes, subject to Council approval, the provision of £1.5m within the Council's 2022/23 revenue budget framework to meet relevant costs. In addition, on 25 November 2021, Council approved the use of up to £0.348m, currently held in reserves, to address expenditure requirements resulting from implementation of the Review and Inquiry recommendations. This funding, alongside the core budget framework provision, would meet the anticipated costs in 2022/23 in full. While subsequent years' budgets remain unbalanced, the budget framework includes recurring annual provision of £2.5m from 2023/24 onwards, addressing the anticipated costs noted above in full.
- 6.5 To implement all the recommendations requires additional functionality to the current Council Human Resources system which will have budget implications and which are subject to a separate business case, which is expected to be finalised by the end of February/beginning of March 2022.
- 6.6 Additionally, a solution is required to enable all employee access to Council information, which will have budget implications and which is also subject to a separate business case which is expected to be finalised by April 2022.

## **7. Stakeholder/Community Impact**

---

- 7.1 The Council acknowledges that this has been a very difficult process for the survivors, as well as all staff and others affected. The Council wishes to thank all the survivors and relevant staff for coming forward with their information for both the Inquiry and the Review. It is only through such processes that these issues can be properly identified, investigated and responded to.
- 7.2 The Council reiterates its commitment to identifying and addressing inappropriate behaviours and activities and welcomes individuals raising issues of concern through available means of escalation including management, the independent whistleblowing service, our employment Policies or Trade Unions.
- 7.3 The Council acknowledges that the outcome of this Inquiry and the Review requires improvements to be made in some areas and the Council believes

that implementation of both the Inquiry and the Review recommendations will address the concerns identified going forward.

## **8. Background reading/external references**

---

- 8.1 [Response to Council Motion on Whistleblowing Culture, Policy and Sustainability Committee – 6 October 2020](#)
- 8.2 [Response to Council Motion on Whistleblowing Culture, Referral from P&S Committee, City of Edinburgh Council 15 October 2020](#)
- 8.3 [City of Edinburgh Council Meeting – 28 October 2021](#)
- 8.4 [City of Edinburgh Council Meeting – 25 November 2021](#)
- 8.5 [City of Edinburgh Council Meeting – 16 December 2021](#)

## **9. Appendices**

---

- 9.1 Appendix 1 - Recommendations & observations: Independent inquiry into the conduct of the late Sean Bell (the “Inquiry”) and the wider review of Organisational culture (“the Review”).
- 9.2 Appendix 2 – Additional costs related to the Inquiry and the Review

**Appendix One - Recommendations & observations: Independent inquiry into the conduct of the late Sean Bell (the “Inquiry”) and the wider review of Organisational culture (“the Review”).**

**Policy**

Recommendation	Response	Implications (resource, cost etc)
<b>Theme One: Policy Development/Review</b>		
<p><b>9.1.9</b> (the Inquiry) the current CEC HR practices relating to relationships between CEC employees are inadequate and do not reflect the close working and personal relationships between many CEC employees, which are often undisclosed.</p>	<p>The Council’s current Code of Conduct policy will be revised &amp; strengthened. This will be taken to Policy &amp; Sustainability Committee in early Summer 2022.</p>	<p>Resource for Policy Development agenda. 2 x G8 role (24 months).</p>
<p><b>9.1.10</b> (the Inquiry) a CEC policy should be created which stipulates that relationships between CEC staff members must be disclosed if they involve an individual with line management responsibilities. This policy should also include the steps to be taken if a situation involving allegations of a sexual nature, domestic abuse or those relating to physical violence, harassment, or stalking, within or outwith the working day or CEC workplace, arises between employees who are, or were, involved in a relationship.</p>	<p>The Council’s current Domestic Abuse Policy has been revised to address all recommendations. This will be taken to Policy &amp; Sustainability Committee in March 2022.</p>	
<p><b>9.1.11</b> (the Inquiry) the current CEC domestic abuse policy, the 2019 PDA, requires to be revised to state explicitly that it covers situations with CEC employees</p>	<p>The Council’s current Domestic Abuse Policy has been revised to address all recommendations. This will be taken to Policy &amp; Sustainability Committee in March 2022.</p>	

which arise outside the workplace and / or outwith work hours.		
<b>9.1.16</b> (the Inquiry) familial or former familial relationships of employees within the CEC should be disclosed and logged appropriately on both employees' HR files, to ensure that any actual or potential conflicts which may arise during the course of internal investigations are addressed.	This will require additional functionality to be developed in our HR System. Additionally, not all employees have access to the current HR system so this will need to be addressed (see system/process recommendations below).	Cost of HR system which enables the recommendations to be implemented.
<b>Recommendation 4</b> (the Review): CEC should put in place a revised disciplinary policy applicable to the Chief Executive, Executive Directors and Service Directors as a matter of priority.	This policy is current in consultation with colleagues. It is expected to be brought to Policy & Sustainability Committee as soon as possible. A full refresh of the Policy will be taken forward in due course.	Additional Policy Resource required. See 9.1.9.
<b>Recommendation 8</b> (the Review): CEC should revise its Whistleblowing Policy to put a greater emphasis on consensual early resolution.	New Whistleblowing Policy to be drafted and approved.	Additional capacity required in Governance (Whistleblowing) team. See Recommendation 7.
<b>Recommendation 28</b> (the Review): The whistleblowing process should be periodically audited by internal audit and, perhaps once every five years, reviewed by an external provider.	To be incorporated into IA planning cycle.	N/a.
<b>Recommendation 33</b> (the Review): CEC should include the Draft Whistleblowing Principles set out in Appendix 9 in the Whistleblowing Policy and apply them to all whistleblowing matters.	New Whistleblowing Policy to be drafted and approved to include the principles.	Additional capacity required in Governance (Whistleblowing) team

<p><b>Recommendation 38</b> (the Review): CEC should establish a policy which stipulates that relationships between Colleagues must be disclosed if one person has line management responsibility for the other.</p>	<p>See recommendations 9.1.9 &amp; 9.1.10.</p>	<p>Resource implications see 9.1.1.</p>
<p><b>Recommendation 42</b> (the Review): The Whistleblowing Policy should be updated to specifically address “500 Reports” and all such reports should be taken forward with a target date of being completed within three months.</p>	<p>Policy update required. Need to consider confidentiality when required.</p>	<p>Once policy agreed resource impact should be minimal.</p>
<p><b>Further Council recommendation</b> (the Inquiry): Without prejudice to any further specific recommendations from the Independent Inquiry on Council’s wider culture that a full review of all Council policies relating to staff conduct is undertaken to determine how these could be consolidated and clarified to aid compliance and investigation in future. Notes discussions have already begun to improve effectiveness of staff conduct policies as a holistic suite to improve compliance and understanding of the policies as well as access for staff to use policies to be able to more effectively raise issues and get access to support.</p>	<p>This means a review of:</p> <ul style="list-style-type: none"> <li>• Code of conduct</li> <li>• Violence at work</li> <li>• Alcohol, drugs &amp; substance</li> <li>• Avoidance of B&amp;H Grievance (plus Personnel Appeals Committee) Local Government Employees</li> <li>• Avoidance of Bullying &amp; Harassment (plus Personnel Appeals Committee) Teachers (</li> <li>• Disciplinary (plus Personnel Appeals Committee) Local Government Employees</li> <li>• Disciplinary (plus Personnel Appeals Committee) Teachers</li> <li>• Disciplinary (Chief Executive &amp; Chief Officers) (plus Appeal) – in progress.</li> </ul>	<p>Additional Policy review / development resource</p>

## Theme Two: Investigations

<p><b>9.1.1</b> (the Inquiry) the system of investigation within the CEC relating to sexual allegations, domestic abuse, physical violence, stalking or harassment needs to be reformed to ensure that it is independent and impartial, and seen to be as such, both within and outwith the CEC.</p>	<p>The creation of an internal Investigatory Unit and new “front door” for HR matters and WB.</p>	<p>Resources required: 7 x G8 posts 1 x G9/G10 Team Leader</p> <p>Additionally, costs of</p> <ul style="list-style-type: none"> <li>- External resource to meet peaks in demand (circa £800 per day)</li> <li>- Support for specialist investigations e.g. trauma</li> <li>- Additional costs for Safecall TBC</li> </ul> <p>- 3 x Gr8 Governance Officer posts.</p>
<p><b>9.1.2</b> (the Inquiry) the CEC should consider the implementation of an independent investigation unit of appropriately experienced and properly trained investigators, to investigate all allegations in relation to CEC employees of a sexual nature, domestic abuse, physical violence, harassment or stalking (whether occurring during the course of work hours or on CEC premises or not). The CEC should either procure an independent external firm to establish an independent team of investigators to take on this role; or create an internal unit of investigators whose sole role is to carry out such investigations. If internal, any such unit should be regularly audited by an independent body.</p>	<p>See 9.1.1.</p>	<p>Resource implications see 9.1.1.</p>

<p><b>9.1.3</b> (the Inquiry) all allegations in relation to CEC employees of a sexual nature, domestic abuse, physical violence, harassment or stalking (whether occurring during the course of work hours or on CEC premises or not) must be escalated to the CEC’s Monitoring Officer prior to the appointment of any investigator, whether internal or external; and a record should be kept of all such allegations for an appropriate period of time, subject to GDPR considerations, to allow for identification of patterns of behaviour.</p>	<p>This will be included in relevant Policies &amp; processes.</p>	<p>N/a.</p>
<p><b>9.1.4</b> (the Inquiry) if the system of investigation for such matters remains internal, all CEC employees tasked with conducting investigations must be properly trained to ensure, amongst other things, that: (a) they are alive to the possibility of potential conflicts of interest arising from personal / work related relationships with those subject to investigation, or witnesses, and decline to act where there is an actual or apparent conflict prior to, or during, the investigation, as required; and (b) they understand how to properly conduct interviews with alleged survivors of various kinds of abuse and will make referrals to</p>	<p>Not applicable. See 9.1.1.</p>	<p>Resource implications see 9.1.1.</p>

support services for survivors, where necessary.		
<p><b>Recommendation 10</b> (the Review): CEC should consider the implementation of an independent investigation unit of appropriately experienced and properly trained Investigating Officers to work with Safecall on the conduct of “major/significant” (external) investigations; to support any other whistleblowing investigations where the 3-month target date for completion is not met; and to conduct other investigations, including disciplinary, bullying and harassment and complaints investigations which are complex or sensitive.</p>	See 9.1.1 for Investigatory Officers.	<p>At present, between WB and HR there are approx. 200-250 cases ongoing at any one time.</p> <p>Whilst the exact hours spent on undertaking Investigations is presently unknown, it an initial estimate is a team of 7 x G8’s required to undertake all investigations.</p> <p>Additional cost would need to be factored in for a triage team – anticipating 2 x G8’s.</p> <p>There will be additional Safecall, legal firm, mediation, and/or trauma support – estimate £50-200k.</p>
<p><b>Recommendation 35</b> (the Review): CEC whistleblowing team and the HR team should check in with whistleblowers for a period of 12 months after a whistleblow disclosure to check that no detriment is being suffered; and that if allegations of detriment are made by the whistleblower the alleged detriment should be reviewed and addressed.</p>	This will be put in place	This requires additional resource to do so but could likely be absorbed by the new staffing proposed within Investigation Officer and `Governance team.
<p><b>Recommendation 36</b> (the Review): Where an Investigating Officer is from the same service area as the subject of the disclosure, Safecall</p>	Not applicable. See 9.1.1.	Resource implications 9.1.1.

<p>(or another independent provider) should perform a “critical friend” role to oversee the whistleblowing investigation more closely.</p>		
<p><b>Recommendation 37</b> (the Review): Both the Nominated Officer and Investigating Officer should be required to complete a written declaration of independence at the outset of any investigation.</p>	<p>Unlikely to be regularly required for Investigatory Officers (see 9.1.1). Will be included in process for Nominated Officers.</p>	<p>Resource implications 9.1.1.</p>
<p><b>Recommendation 40</b> (the Review): An investigation scope for a whistleblowing investigation should be prepared at the outset and, where appropriate, shared with the whistleblower with an invitation to provide comments. The investigation scope and any limitations on the investigation to be conducted should be included in the whistleblowing investigation report.</p>	<p>Design standard agreed scope documentation. Agree protocol for sharing and timelines. Will be responsibility of Investigatory team.</p>	<p>Resource implications, see 9.1.1.</p>
<p><b>Recommendation 41</b> (the Review): CEC should be proactive in relation to attempts to contact anonymous whistleblowers (via a secure portal) and always seek to interview the whistleblower regardless of their level of anonymity. In cases where the whistleblower does not wish to be identified to CEC, Safecall (or another independent provider) should be tasked with</p>	<p>Part of Safecall role, together with Investigatory team.</p>	<p>Resource implications 9.1.1.</p>

undertaking an interview and then feeding back the findings to CEC (subject to any relevant redactions required to protect the whistleblower's identity).		
<b>Recommendation 43</b> (the Review): Where serious allegations are made against Executive Directors or the Monitoring Officer, CEC should outsource the investigation to a non-panel law firm or counsel with experience in the conduct of investigations.	See recommendation 4. This will be incorporated into any new Policy.	
<b>Recommendation 44</b> (the Review): CEC should streamline its disciplinary investigation process and rely more on the evidence (not the opinions of the Investigating Officer but rather the underlying evidence) collated in the course of whistleblowing investigations.	See Policy section.	Investigatory Officer team. See 9.1.1.
<b>Recommendation 45</b> (the Review): Those who write investigation reports should be cautious about criticising whistleblowers or complainers who have every right to try to persuade the investigator to side with their version of events, so long as they do so lawfully.	See 9.1.1.	Investigatory Officer team. See 9.1.1.
<b>Further Council recommendation</b> (the Inquiry): That in delivering the Inquiry Recommendations, the Chief Executive give consideration to expanding the scope of	It is recommended that the Investigatory Officer team is responsible for all investigations relating to formal processes (Avoidance of Bullying & Harassment, Disciplinary, Grievance & whistleblowing, unless external independent resource is engaged.	Resource implication see 9.1.1.

the special investigations unit detailed in paragraph 9.1.1 of the report to include any other serious issues of misconduct including, but not limited to, serious fraud or misappropriation of public funds.		
<b>Observation</b> (the Review): Where a summary report is produced it should make clear that it is a summary of a longer form report. Version control is also important. If a document is a draft, it should be clearly marked as a draft to avoid any confusion that it may be the final report.	Part of role for Investigatory Officers.	Investigatory officer team, see 9.1.1.
<b>Observation</b> (the Review): Ensuring whistleblowers are protected from prejudicial treatment and that whistleblowing investigations are conducted properly and robustly.	See Recommendations 29, 34 and 35.	
<b>Observation</b> (the Review): Managing expectations of whistleblowers at the outset in relation to what can and cannot be shared with them.	This will be addressed via the expectation management protocol.	N/a.
<b>Observation</b> (the Review): Accurate and contemporaneous minuting of meetings with whistleblowers and other interested parties to avoid subsequent disagreement about what was said.	Investigatory Officer team resource.	Resource implications see 9.1.1.

<p><b>Observation</b> (the Review): CEC should continue to engage an external whistleblowing hotline provider.</p>	<p>Agreed.</p>	<p>There will be continued resource implications of this.</p>
<p><b>Observation</b> (the Review): A clearly documented framework that sets out the considerations to be taken into account when classifying a matter as either “major/significant” or “minor/operational”, and then a clearly documented assessment and decision as to the rationale for the classification would be beneficial in seeking to tackle this perception.</p>	<p>See Recommendation 17.</p>	<p>Resource implications to create a triage process/team 2 x G8. System functionality needs to be built to enable or secured as core in an HR system. This will have a budget implication.</p>
<p><b>Observation</b> (the Review): However, more could be done by CEC to interview anonymous whistleblowers and to explain to them that the investigation may be constrained by the fact the disclosure is made anonymously, and that therefore the credibility and reliability of the evidence provided, and its weight, is more difficult to assess.</p>	<p>See Recommendation 34.</p>	
<p><b>Observation</b> (the Review): In all cases, the whistleblower should be informed of the investigation’s progress and outcome with a reasonable timeframe for informing a reporting person being three months. If after three months the appropriate follow-up is still being determined, the whistleblower should be informed about this and</p>	<p>Protocol for feedback to be developed and adhered to as part of Policy.</p>	<p>Resource implications, Investigatory Officer team.</p>

<p>about any further feedback to expect.</p>		
<p><b>Observation</b> (the Review): Except in exceptional cases, disciplinary investigations, employment tribunal proceedings and other processes should not delay the conduct of whistleblowing investigations, nor reporting to GRBV. If investigations are to be paused due to concurrent processes, the fact that such a decision has been taken and the exceptional circumstances for the pausing should be properly documented in writing.</p>	<p>This will be reviewed as part of Policy review/ development. See Policy section.</p>	<p>Resource see 9.1.9.</p>
<p><b>Observation</b> (the Review): Part of the outcome of any process must be a careful and thoughtful consideration as to how actions will affect those involved and the wider teams or departments in which they work. It is not a resolution to simply move Colleagues around the organisation if other, less disruptive steps, may resolve matters.</p>	<p>This will be considered as part of Policy review/ recommendations. See Policy section.</p>	<p>Resource see 9.1.9.</p>
<p><b>Observation</b> (the Review): In such circumstances, I would encourage CEC to share more information with the complainer as to the outcome of the investigation and the actions taken. To achieve true reconciliation and to allow people to move</p>	<p>Protocol/guidance re sharing of appropriate info re outcome and what is being done to be developed.</p>	<p>Resource implications, Investigatory Officer team, see 9.1.1.</p>

<p>on, there should, in most cases, be some form of facilitated meeting where the outcome is shared and, depending on the circumstances, an apology given. It may be that at the end of this process, one person has to be thoughtfully asked to move, but this should not be the first option.</p>		
<b>Theme Three: Training</b>		
<p><b>9.1.5</b> (the Inquiry) if the system of such investigations remains internal, the CEC should look to an external service provider with appropriate expertise to design and / or deliver the training to CEC employees, and to provide refresher training annually.</p>	<p>Not applicable, see Investigations section.</p>	<p>Investigatory Officer team. See 9.1.1.</p>
<p><b>9.1.6</b> (the Inquiry) staff training and understanding within the CF Department and the wider-CEC surrounding domestic abuse, coercive control, the 2019 PDA, the 2019 WBP and other employee and service user welfare policies needs to be improved. Appropriate training and education are paramount in ensuring an effective safeguarding culture for employees and service user.</p>	<p>Domestic abuse, coercive control will be delivered when the revised Domestic Abuse policy is approved (see Policy section).</p> <p>Public Disclosure and Whistleblowing training will be developed and rolled out to colleagues and elected members by Autumn 2022.</p>	<p>Additional training resource required to develop and delivery this training on an ongoing (annual basis):</p> <p>2 x G8 roles (permanent).</p>
<p><b>9.1.7</b> (the Inquiry) all employees of the CEC with line management responsibilities should be required to partake in mandatory training on domestic abuse,</p>	<p>Line manager training will be designed and delivered post Committee approval of the revised Domestic Abuse Policy.</p>	<p>Cost implications to design/deliver the training. See 9.1.6.</p>

<p>coercive control and how to appropriately deal with those individuals making complaints of a potentially criminal nature; and such training should be refreshed annually, with records kept of such training. The CEC should look to an external service provider with appropriate expertise to design and / or deliver the training.</p>		
<p><b>9.1.8</b> (the inquiry) all employees of the CEC with line management responsibilities should be required to undertake training on public interest disclosures and the 2019 WBP, to enable them to differentiate between such disclosures and matters falling within other CEC policies (the PDA 2019, grievances, and potential disciplinary matters). The CEC should look to an external service provider with appropriate expertise to design and / or deliver the training.</p>	<p>This training will be designed / delivery commenced in 2022.</p>	<p>Cost implications of training design (external TBC) and training delivery.</p>
<p><b>Recommendation 1</b> (the Review): All political groups should take steps, if they do not already do so, to ensure that all their members attend training, particularly training in relation to the Member-Officer Protocol and Councillor conduct, including the 2021 Code of Conduct for Councillors.</p>	<ul style="list-style-type: none"> <li>• Arrange more training and refreshers through Governance team</li> <li>• Keep register of training</li> <li>• Report to groups</li> <li>• Training proposed to be mandatory for the induction then by agreement.</li> </ul>	<p>A solution will be required to enable elected member access to myLearning Hub and relevant training will need to be developed and made live on this platform to enable completion / monitoring. Resource implications as additional capacity will be required within the Governance team. Additional resource required within the Learning</p>

		& Development team. See 9.1.6.
<b>Recommendation 2</b> (the Review): Whistleblowing training should be delivered to and attended by all Councillors.		See Recommendation 1.
<b>Recommendation 5</b> (the Review): Refresh avoidance of bullying and harassment training for all Colleagues, with schools and those involved in social work being part of the initial rollout.	This training will be developed / delivered by end of September 2022.	Resource implication see 9.1.6 Current system functionality doesn't enable all employees access to myLearning Hub, requires a solution to enable this.
<b>Recommendation 7</b> (the Review): A new whistleblowing communications and training strategy should be put in place and rolled out across CEC.	Develop and implement new WB policy.  Develop and deliver a comms and training strategy.	Resource dependency to do so see 9.1.1. Resource required in Governance (Whistleblowing) team System implication as not all employees have systems access Corporate communications or the Council's learning platform. This would require a solution for both.
<b>Recommendation 24</b> (the Review): CEC should take steps to train managers on how to identify a whistleblowing disclosure.	This training will be designed / delivery commenced in 2022	Resource dependency to do so.
<b>Recommendation 34</b> (the Review): Any whistleblowing training and communications strategy rolled out by CEC should make it clear that whistleblowing disclosures can be made anonymously (with the two levels of anonymity being explained) and that those who make disclosures will be protected from detrimental treatment.	The point on anonymity will be included in revision of Whistleblowing policy and associated training.  The training will form part of Recommendation 7.	Not all employees have access to corporate communications and reliant online manager cascade. This will require a system solution which will have cost implications (TBC).  Training dependency on resource, see 9.1.1.

Training delivered to managers should explain what amounts to detrimental treatment.		
<b>Recommendation 50</b> (the Review): Training on legal professional privilege should be offered to Councillors and relevant Colleagues.	LPP protocol and training to be developed and delivered for Councillors and senior officers.	The resource implication of this will be absorbed.
<b>Observation</b> (the Review): Regular promotion of whistleblowing by managers and through other communications is essential.	This will form part of the Council's communication plan.	Not all colleagues have access to communications and therefore reliant on line manager cascade (verbally). A solution would be required to address this which will have cost implications.
<b>Observation</b> (the Review): It is also a good idea to include handling whistleblowing disclosures as part of discipline and grievance training for managers and staff. Training should be offered at regular points to make sure it stays fresh in managers' minds.	Training will be designed/ delivered for line managers.	Resource implications see 9.1.1 and Training.
<b>Observation</b> (the Review): The Review Team has examined the investigations training offered by CEC to some of its Investigating Officers and I consider it could be improved by the inclusion of scenario-based training which should cover steps from the outset of a case, including early case assessment based on a review of documents, consideration of early resolution, planning and scope of investigations, and conducting effective interviews.	Not applicable as an Investigatory Officer team will be created.	Resource/cost implication for new team see 9.1.6.

<p><b>Observation</b> (the Review): As noted above, managers are the main port of call for those who wish to raise concerns. They are therefore ideally positioned to provide any support whistleblowers might require or to signpost relevant support. Managers should be effectively trained on how to treat those reporting concerns with empathy and how to create a work environment that encourages the raising of concerns.</p>	<p>Whistleblowing, including Public Interest Disclosures, training will be revised and rolled out. Proposal to be further developed on triage process.</p>	<p>See training resource 9.1.6 Communication/ content resource 2 x G8 (required not only for this recommendation but for all recommendations which have a Communication and/or online content implications. Resource implications on triage approach.</p>
--	--	---

**Theme Four: Systems/processes**

<p><b>9.1.12</b> (the Inquiry) there must be a formal system in place at the CEC for recording disclosures by employees, service users or others relating to allegations of sexual or physical violence, harassment or stalking by CEC employees (whether occurring during the course of work hours or on CEC premises or not).</p>	<p>This requires system functionality build.</p>	<p>The current HR system doesn't hold this functionality and isn't accessible by all employees. This would require new system functionality.</p>
<p><b>9.1.13</b> (the Inquiry) record keeping must be improved within the CEC, with notes taken at all meetings where disclosures or concerns are raised by employees to line managers regarding sexual or physical violence, harassment or stalking (whether occurring</p>	<p>Training will be provided on 1:1's and supervision etc to ensure improved record keeping.</p>	<p>Training resource implications.</p>

<p>during the course of work hours or on CEC premises or not). Once recorded, line managers should be obliged to report such disclosures or concerns up the management structure at the CEC.</p>		
<p><b>9.1.14</b> (the Inquiry) a record of all investigations conducted (whether internal or external) regarding abuse of a sexual or physical nature, harassment or stalking (whether occurring during the course of work hours or on CEC premises or not) should be kept by the CEC for a period of twenty-five years, in a searchable and accessible format, subject to GDPR considerations.</p>	<p>The current HR system does not enable this functionality.</p>	<p>Investigatory team resource. Additionally, the current HR system doesn't enable record retention/ searchable function as described. This will require a significant system upgrade/ change.</p>
<p><b>Recommendation 6</b> (the Review): Those involved in recruitment and selection of candidates for new positions should complete a short form declaration to disclose any personal or professional relationship with a prospective candidate.</p>	<p>This will be included in Recruitment and Selection training and the current process (which is currently required for all recruiters to complete).</p>	<p>N/a.</p>
<p><b>Recommendation 9</b> (the Review): A programme of training for Investigating Officers should be developed and delivered, preferably by an external body skilled in effective investigation processes and techniques. Such training should be a precondition to being</p>	<p>Not applicable, see Investigations 9.1.1.</p>	<p>Investigatory Officer team resource.</p>

appointed as an Investigating Officer for the first time.		
<b>Recommendation 11</b> (the Review): CEC should resource the use of note takers for investigative interviews.	There is no resource capacity for this currently.	Cost implications - 6 x G4 Business Support Administrators.
<b>Recommendation 12</b> (the Review): The Whistleblowing Team and the HR Department should have regular liaison meetings, in a similar manner to the Strategic Complaints Group, with the specific objective of identifying any concerning patterns of behaviour in an area.	This recommendation has already been implemented and monthly meetings have been set up.	N/a.
<b>Recommendation 13</b> (the Review): In order to assist CEC in identifying concerning patterns of behaviour across multiple cases, the independent whistleblowing provider should keep a record of service areas and locations of disclosures, together with a general description of the nature of the disclosures, so that this can be shared with CEC's Whistleblowing Team.	Safecall to be asked to keep this record. Identification of patterns through (1) record keeping (2) regular meetings HR, MO and WB team (see recommendation 12).	Additional costs from Safecall to be confirmed.
<b>Recommendation 14</b> (the Review): All Colleagues leaving CEC should be offered the opportunity to take part in an exit interview with a member of the HR team.	The online exit interview survey and process was refreshed last year. There is a resource implication for offering face to face interviews (circa 2,000 leavers a year).	Resource implication : 1 x G6 System implication – solution required to all employee access.
<b>Recommendation 15</b> (the Review): CEC should consider putting in place a system for Colleagues to provide anonymous feedback on the conduct and	This will be developed as part of 'Purpose and Behaviours' work to ensure 360 feedback includes the new Council behaviours.	N/a.

behaviours of managers as part of their annual performance reviews.		
<b>Recommendation 16</b> (the Review): Whistleblowing disclosures containing any issue of alleged discrimination based on a protected characteristic should be logged with the HR Department in the same manner as the Prejudice Based Incident Reporting used by the HR Department.	This requires additional resource – as assuming the scope would be extended to include all disclosures.	This requires an upgrade / change to current HR system as it doesn't enable this functionality. We have a case CRM which has been built but it is not core to the HR system (i.e. no interface).
<b>Recommendation 17</b> (the Review): A documented triaging process should be put in place with a framework that sets out the considerations to be taken into account for disclosure classification.	Further consideration will be given to the design of the triage options	Resource implications to create a triage process/team 2 x G8. System functionality needs to be built to enable or secured as core in an HR system. This which will have a budget implication TBD (see section 6 – Financial)
<b>Recommendation 18</b> (the Review): The nomenclature currently used for classifying reports as “major/significant” or “minor/operational” should be revised to address a perception that “minor/operational” cases are not treated as seriously. Wording such as “External” and “Internal” would be preferable.	This will be considered as part of implementation of n whistleblowing policy and process, in consultation with Safecall.	Resource implication for policy development and implementation  System functionality needs to be built to enable this or secured as core in an HR system (see recommendation 17). This will have budget implications TBD.
<b>Recommendation 20</b> (the Review): For more serious whistleblowing matters that are investigated internally, Safecall (or another provider) should provide “critical friend” monitoring from the outset of an	Whistleblowing Policy to be revised. Engagement with Safecall to discuss required.	Additional impact for Safecall, to be explored and agreed.

<p>investigation rather than waiting until the investigation report is submitted for review. The role of the “critical friend” should be set out in the Whistleblowing Policy.</p>		
<p><b>Recommendation 21</b> (the Review): Safecall, or any other independent whistleblowing provider, should report on the following KPIs: Number of disclosures categorised as “major/significant” or “minor/operational” (or any new naming convention); Number of disclosures diverted to be dealt with under another policy; Number of disclosures categorised as not qualifying as a whistleblowing disclosure; Number of disclosures dealt with by way of early resolution (see Recommendation 32); and Number of disclosures investigated within 3 months / not investigated in this time frame with reasons given.</p>	<p>Agree new KPIs with Safecall and consider consequences.</p>	<p>Possible additional costs for Safecall.</p>
<p><b>Recommendation 22</b> (the Review): Immediate and ongoing steps taken to address any public safety issue should be recorded in a document maintained by the independent whistleblowing provider which sets out the steps taken, and to be taken, to check on the safety concerns reported by a whistleblower. This</p>	<p>Need to agree process with Safecall.</p>	<p>There will be a resource impact for Safecall and the Governance team which will have a financial impact.</p>

should be shared with GRBV at the first quarterly meeting following the disclosure.		
<b>Recommendation 23</b> (the Review): A senior colleague in every service area should be appointed as a Whistleblowing Champion (including time to do the tasks).	Services to identify 2 whistleblowing champions per Directorate. Training to be given with clear expectation and terms for the role. Regular meetings to be set up with WB Champions, Service Director HR and MO.	Resource – a role specification will need to be created, together with training and development. There will be a resource implication of this. Liaison with trade unions to agree.
<b>Recommendation 25</b> (the Review): All whistleblowing disclosures made to CEC managers and Councillors should be referred to the independent whistleblowing provider, so that they are recorded as whistleblowing disclosures and dealt with under the whistleblowing process, at least initially.	Confirm requirements in the Policy. Training to ensure managers are aware of the requirement.	Resource implication to develop and deliver training. See 9.1.6.
<b>Recommendation 26</b> (the Review): CEC's Whistleblowing Team should report all whistleblowing disclosures and reports to GRBV in accordance with the quarterly reporting cycle, without any exceptions.	Policy requirement and to be complied with. Issue of potential derogation for limited specific circumstances to be considered.	N/a.
<b>Recommendation 27</b> (the review): As part of any review of CEC's committee structure, consideration should be given to setting up a sub-committee to scrutinise whistleblowing disclosures and reports.	This will be considered as part of Council committee governance post-May 22.	Once a new committee structure is agreed then the impact should be minimal.
<b>Recommendation 29</b> (the Review): CEC should take steps to ensure that anyone who	Policy update. Manager training.	There will be as yet unknown resource and cost implications of the time to offer and consider such

<p>receives a whistleblowing disclosure asks the person raising the matter what support they may need and how this can be provided. This support, where relevant, should also be offered to those who are the subject of a whistleblowing investigation.</p>	<p>Process document to be developed for both whistleblowers and those subject to the review with options and information.</p>	<p>support as well as the support itself.</p>
<p><b>Recommendation 30</b> (the Review): CEC, in conjunction with Safecall, should develop an agreed protocol for setting a whistleblower's expectations at the point of commencing an investigation. A Draft Expectation Management Protocol for managing expectations of whistleblowers is at Appendix 7.</p>	<p>Process and Expectation Management Protocol to be developed and agreed.</p>	<p>There will be as yet unknown resource and cost implications of the time taken to agree terms and liaise throughout an investigation.</p>
<p><b>Recommendation 31</b> (the Review): Accurate and contemporaneous minutes should be taken by CEC at all meetings and during all conversations with whistleblowers and other interested parties.</p>	<p>See Recommendation 11.</p>	<p>Resource implications, Business Support note takers.</p>
<p><b>Recommendation 39</b> (the Review): CEC should develop an action plan to improve its approach to communicating with front-line Colleagues with identifiable KPIs.</p>	<p>This will require a solution to all employee access to the Orb/communications.</p>	<p>System functionality solution.</p>
<p><b>Recommendation 32</b> (the Review): CEC should instigate an early resolution process and stricter timelines for the conduct of whistleblowing</p>	<p>New process to be developed and agreed. Draft Model Early Resolution Process to be agreed and adopted.</p>	<p>There will be as yet unknown resource and cost implications of this, depending on the number and complexity of them. Cost for facilitation and mediation will need to be</p>

investigations. A Draft Model Early Resolution Process is set out in Appendix 8.		allowed for e.g. additional 2 x G8 Learning & Development Consultants and/or mediation costs of up to £800/1,000 per day.
<b>Recommendation 43</b> (the Review): Where serious allegations are made against Executive Directors or the Monitoring Officer, CEC should outsource the investigation to a non-panel law firm or counsel with experience in the conduct of investigations.	This will be included in new revised relevant policies.	N/a
<b>Recommendation 46</b> (the Review): Any decisions to cease communication with a service user or a whistleblower from outwith CEC should reference and follow CEC's "Managing Customer Contact in a Fair and Positive Way Policy"; and any decision to cease communications with a service user or a whistleblower should be reported to GRBV in writing to ensure proper oversight.	Policy already in place. Training/communications required.	Resource implications should be minimal as there is a policy in place.
<b>Recommendation 47</b> (the Review): Legal professional privilege should be utilised sparingly in the context of whistleblowing or other fact-finding investigations outside of the preparation of actual or threatened litigation.	LPP protocol to be developed MO/DMO oversight required where LPP to be applied re WB or other investigations. Consider outsource in such a scenario.	Potential increased costs in relation to the use of external legal advice resource.
<b>Recommendation 48</b> (the Review): Any decisions to treat a matter as legally privileged should be clearly documented with	LPP protocol to be developed. MO/DMO oversight required where LPP to be applied re WB or other investigations. Consider outsource in such a scenario.	Potential increased costs in relation to the use of external legal advice resource.

appropriate analysis of the application of the legal tests to the facts at hand being set out.		
<b>Recommendation 49</b> (the Review): In circumstances where assurance is sought by Councillors or regulators, and the provision of privileged information would aid in providing such assurance, consideration should be given to sharing this information under a limited waiver of privilege.	Compliance with and amendment of the Member/Officer protocol. Protocol for sharing of LPP info to be considered.	The resource impact of this is expected to be minimal.
<b>Observation</b> (the Review): I would urge the Citizen and CEC's Chief Executive to proceed to mediate as soon as possible.	This is already in process.	Additional costs for mediation.
<b>Observation</b> (the Review): Going forward, I recommend that any decision to cease communication with a complainer or an external whistleblower follows and references that guidance document and that any decision is notified to GRBV in writing to ensure proper oversight.	Policy already in place. Policy requires update to include GRBV oversight. Training/communications required.	Resource implications should be minimal as there is a policy in place.
<b>Observation</b> (the Review): I observe that consideration should be given to any adverse regulatory or ombudsman decisions also being subject to governance oversight by the GRBV.	Recommend a regular 6 monthly update report to GRBV with ability to deep dive as required.	Resource implications for reporting depending on reporting requirements.
<b>Observation</b> (the Review): Recommendations coming out of complaints, internal	Governance and assurance process to be fully developed and implemented. IA and first line checks. Whistleblowing team checks.	Resource implications, Investigatory Officer and Whistleblowing/Governance team resources. See also 9.1.1.

audits, assurance exercise and external reviews (including, in particular, adverse findings by the SPSO or a regulatory body) are carefully considered and, where the recommendations are accepted, there needs to be a process to ensure remedial actions are followed through.		
<b>Observation</b> (the Review): CEC should not pause or defer internal investigations and disciplinary processes, except in exceptional cases where the police or an external regulator require them to stop investigating concurrently.	This recommendation will be delivered as part of Policy review/ development work.	Resource implications, see 9.1.9.
<b>Observation</b> (the Review): The need to carefully consider CEC's approach to withholding documents and information based on data protection principles.	Advice to be sought from DPO and Legal Services as required.	Once the process is agreed then any direct resource impact should be limited.
<b>Observation</b> (the Review): CEC should, where possible, resist signing up to any external third parties' terms and conditions which seek to restrict the provision of commissioned external reports to third parties.	Training for Legal and service managers.	Once the process is agreed then any direct resource impact should be limited.
<b>Observation</b> (the Review): Carefully consider the wording of apologies issued to whistleblowers and any qualifications which are included in them.	Training for Legal and service managers.	Training resource will be required cost TBD.
<b>Observation</b> (the Review): The immediate and ongoing steps taken	See Recommendation 22.	There will be a resource impact for Safecall and the

<p>to address any public safety issue raised through the whistleblowing process should be recorded in a document maintained by Safecall and the first quarterly report to GRBV after a disclosure of this nature should set out the steps taken, and to be taken, to check on the safety concerns reported by the whistleblower.</p>		<p>Governance team which will have a financial impact.</p>
<p><b>Observation</b> (the Review): Going forward, the steps taken by CEC to respond to disclosures concerning public safety should be more formally documented and, if appropriate, those documents (or appropriately redacted versions thereof) shared with a whistleblower and any interested Councillor to help to provide reassurance that the safety concerns have been / are being addressed. Data protection issues and protecting the rights and interests of any relevant children or other members of the public will have to be carefully considered in this process but they should not prevent this reporting. There should also be clear documentation showing how, and when, any whistleblower has been kept up to date with the progress of the matter following the initial</p>	<p>Protocol to be developed between Safecall, MO and CSWO. Feedback on methodology used to be fed back to whistleblowers where appropriate as part of revised Policy.</p>	<p>Resource implications of agreeing protocol and implementing it. Costs TBD.</p>

disclosure (if applicable).		
<p><b>Observation</b> (the Review): Except in exceptional cases, ET proceedings should not delay reporting by the Whistleblowing Team/Safecall to GRBV. If there is to be such a delay to the whistleblowing process, the fact that such a decision has been taken and the exceptional circumstances for the delay should be properly documented in writing and the relevant policy should be updated to detail this. Similarly, except in exceptional cases, an ongoing CEC disciplinary investigation should not delay completion of a Safecall (or any other whistleblowing) investigation. If there is to be such a delay to the whistleblowing process, the fact that such a decision has been taken and the exceptional circumstances for the delay should be properly documented in writing.</p>	<p>The principle of running matters in tandem is accepted but the impacts of this need to be considered further. Policies will need to address how to deal with primacy.</p>	<p>Resource implications: Investigatory Officer team Policy review/development, see 9.1.9.</p>
<p><b>Observation</b> (the Review): The Review Team was advised of one example in the Education and Children’s Services Directorate where a process had been put in place in relation to sharing information with Councillors. This is not a matter that the Review looked into further. If this has proven to be an effective method, other</p>	<p>Process for responding to councillor queries and information provision to be looked at again.</p>	<p>There are likely to be resource implications of any new process.</p>

parts of CEC could consider adopting this process or something similar		
<b>Observation</b> (the Review): Regular promotion of whistleblowing by managers and through other communications is essential.	This can be built into communication plans.	Resource implications (Orb/digital content/comms)
<b>Observation</b> (the Review): CEC's Whistleblowing Team should consider the level of detail provided to GRBV in these reports and ensure that the short descriptions of whistleblowing disclosures provide sufficient information to inform GRBV what the disclosure concerns.	Discussion with GRBV as to what they would like to see in whistleblowing reports.	There will be resource impacts but this should be minimal once the process is agreed.
<b>Observation</b> (the Review): While that may be the case, I am not aware of any criteria which explain when a specific report by a Monitoring Officer should also be produced and it would be helpful if CEC's Monitoring Officer worked with other Monitoring Officers across Scotland to put such criteria in place.	CEC's Monitoring Officer will approach MO working group to agree process to develop a national Protocol/criteria.	There will be additional resource implications of this.
<b>Recommendation 19</b> (the Review): Consideration should be given to more cases being categorised as "major/significant" (external) and therefore investigated by Safecall or another independent provider; or, alternatively, having a third, middle, tier of case where Safecall provide greater oversight as the	New triage process to be considered and documented. Discussion with Safecall and documentation of categories.	Resource implication, see Triage and investigation.

“critical friend” of an internal Investigating Officer.		
<b>Observation</b> (the Review): I would encourage CEC to consider continuing whistleblowing and disciplinary investigations in serious cases even if the subject leaves or retires from CEC.	This will be reflected in policy review/ revision.	Resource implications, see 9.1.9.
<b>Theme Five: Other</b>		
<b>Recommendation 3:</b> CEC officers and Councillors should take steps to implement any necessary changes following the findings of the Best Value Report.	Set up a joint group of members and senior officers to agree way forward on culture and training.	There will likely be external training costs TBD.
<b>9.1.15 (the Inquiry)</b> - an appropriate CEC redress scheme should be set up, without admission of liability, to compensate those who have been abused by SB	A redress scheme will be set up.	There will be costs involved in both the scheme and any redress which are not currently known.
<b>Observation</b> (the Review): In addition, there is a need for CEC to recognise false economies, such as overloading its Colleagues with duties over and above their day jobs, for example tasking them with investigations into complaints of wrongdoing, which inevitably leads to delays in investigations and in some cases poor investigation processes and outcomes, as well as having an impact on employee wellbeing and morale. Some of my recommended steps will	See Recommendation 9.1.1.	Resource implications, see 9.1.1.

necessitate budget to be allocated and I would encourage CEC to find the budget because it will, in the medium to longer term, save time, expense, and reduce staff absence due to stress or other wellbeing issues.		
Executive Directors and those on CLT should reflect on the atmosphere they create at meetings and should take steps to ensure that there is a welcoming and inclusive environment for all.	360-degree feedback. Further training including reverse mentoring.	
Chief Executive to consider how best to set up some form of process which could be implemented by the Council to review any concerns raised about historic cases taking into account the comments of Ms Tanner on the limitations of this process that she made to the Council at the meeting on 16 December 2021	Consideration of how best to review any cases where a complainer wishes them to be looked at again, bearing in mind Tanner QC's comments re proportionality, length of time since initial review, staff having left etc to be considered.	The precise resource implications of this are as yet unknown but could be significant.
<b>Observation:</b> Apologies in relation to Case Study 2.	This will be dealt with as part of settlement discussions.	

**Appendix 2: Anticipated additional costs of implementing review and inquiry's recommendations**

	<b>22/23</b>	<b>23/24</b>	<b>24/25</b>
	<b>£000's</b>	<b>£000's</b>	<b>£000's</b>
<b>STAFFING COSTS</b>	9mths	12mths	12mths
2 x G8 Learning & Development Consultants	86	115	115
2 x G8 Consultant – culture change with focus on Leadership Development recurring	86	115	115
7 x G8 - Internal Investigatory Officers	301	401	401
1 x G9/G10 Investigatory Officer Team Leader	56	75	75
2 GR8 Escalation and triage	86	115	115
2 x G8 HR Policy Consultant (24 months)	86	115	29
Additional trade union facility time	81	0	0
2 x G8 Orb/digital content and internal communications support	86	115	115
Additional capacity in Whistleblowing team/additional provider costs	28	28	28
3 x GR8's Additional resource in Governance team re Governance and Assurance roles - previously advised to GRBV Committee	129	172	172
3 x GR8 Additional resource in Governance team	129	172	172
6 x Business Support Administrators G4 (recommendation 11 – note takers)	126	169	169
1 x G6 to manage the end to end exit interview process recurring	31	41	41
1 GR10 Project Manager (full time 18 months)	86	43	
<b>NON-STAFF COSTS*</b>			
Additional Safecall, training mediation and legal firm costs circa £50k- £200,000	200	200	200
Leadership Culture external support	150	150	
<b>TOTAL</b>	<b>1,754</b>	<b>2,034</b>	<b>1,756</b>

**\*Non-staff costs, additionally :**

- **The required functionality from the Council's HR system will be subject to a separate Business Case.**
- **A required solution for all employee access to Council information (i.e. the Orb) will be subject to a separate Business Case.**