

Policy & Sustainability Committee

21 March 2023

Independent Inquiry and Whistleblowing Culture Review Update – referral from The City of Edinburgh Council Committee

Executive/routine
Wards
Council Commitments

Recommendations

- 1.1 The City of Edinburgh Council Committee has referred a report on The Independent Inquiry and Whistleblowing Culture Review to the Policy & Sustainability Committee for noting.

Dr Deborah Smart

Executive Director of Corporate Services

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Referral Report

Independent Inquiry and Whistleblowing Culture Review Update – referral from The City of Edinburgh Council Committee

2. Terms of Referral

2.1 On 9 February 2023, The City of Edinburgh Council considered the Independent Inquiry and Whistleblowing Culture Review Update report. It was agreed that the report would be passed to Policy & Sustainability Committee for noting.

2.2 The report provided an update on the programme of work underway to address the recommendations and observations agreed by Council and the progress against timelines made across all five themes – Policy, Investigations, Learning, Systems & Processes, and the Redress Scheme.

2.3 In addition, The City of Edinburgh Council agreed the following motions:

Motion by Cllr Day

To note that a significant number of CEC employees do not have their own Council email address

To agree to achieve meaningful, enduring cultural transformation, the provision of an individual Council email address for every employee given priority

To request that a clear timeline for achieving this be set out in a covering report submitted to the Policy & Sustainability Committee for consideration

Motion 2 by Cllr Miller

To include an additional appendix providing a progress update and expected completion date against every recommendation made by the Inquiry and Review

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.

2.4 Appendix 1 contains the report referred on by The City of Edinburgh Council on 9 February 2023

3. Report Referred on from Council

- 3.1 7.1 (b) contains the report referred on by The City of Edinburgh Council on 9 February 2023

4. Motion 1 – Cllr Day

- 4.1 Appendix 1 contains provides the update requested in the motion from Cllr Day.

5. Motion 2 – Cllr Miller

- 5.1 In line with the motion appendix 2 providing a progress update and expected completion date against every recommendation made by the Inquiry and Review is attached to this report.
- 5.2 For those colleagues without system access a communication detailing the new Investigation Team was issued in December 2022 via Colleague News to frontline colleagues who have signed up to receive this.
- 5.3 Work will continue with Communication Services to ensure that further briefings on the purpose of the Investigation Team and how to contact them is made readily available to those colleagues without system access.

Appendices

Appendix 1 Briefing on all colleague access to email and systems

Appendix 2 Update on expected completion date against every recommendation made by the Inquiry and Review

Customer & Digital Services Corporate Services Directorate 16th February 2023

1. Introduction

- 1.1 The purpose of this briefing is to update on the work already in place, underway and planned to enable colleagues currently without access to systems to access information, undertake eLearning and access Employee Self Service options for HR and payroll-related activities.

2. Background

- 2.1 The Council currently has around 5000 employees who do not use technology as part of their day-to-day job and who do not have a Council e-mail address.
- 2.2 The current Social Care Rostering System programme (TotalMobile) will deliver devices, e-mail addresses and systems access to around 15% of the employees who have not historically had access. This work is well underway and will complete later in 2023.

3. Main Points

Collection of E-mail Addresses and Access to myLearningHub

- 3.1 The Council now collects employees' personal e-mail addresses as a mandatory part of the recruitment process.
- 3.2 Existing employees have also been encouraged to provide personal e-mail addresses to enable access to e-payslips, systems (where cloud-hosted) and colleague communications.
- 3.3 This has enabled all employees (who have provided an e-mail address) to access our learning experience platform, myLearningHub, enabling them to access the same learning experience as employees with a Council e-mail address:
 - Access to learning resources. This includes learning tailored on your likes or interests. Also, a development now underway will provision role-specific / essential learning, meaning that this can be monitored for job roles across departments – allowing compliance to be tracked.
 - Employees can connect and share and develop ideas for learning.
 - myLearningHub is also available to access on a personal device via an App or a home computer.
- 3.4 Colleague News, through the Newsbeat platform, is also currently available externally to all employees who have signed up for this (c4500) providing up to date news for and about the Council from an employee perspective.

Access to the Council Intranet

- 3.5 The business case for the development of an external gateway to the Council Intranet was approved in January 2023.
- 3.6 Work is already underway with partners CGI, Jadu, HR, Digital Services, and Communications to kick-off the project and mobilise delivery activities.
- 3.7 The gateway will enable the 5000 employees without Council email addresses to connect to the ORB (our intranet) using their personal email accounts - providing secure access to vital information such as:
- All employee communications
 - Council policies, and policy-related guidance and support
 - Wellbeing guidance and initiatives
 - General updates relating to pay and benefits.
- 3.8 This work will complete by summer 2023. It will:
- remove the need for Newsbeat – allowing a small cost saving of approx.
 - remove the duplication required for important colleague communications, for example, Covid-19 updates, strike information. This guidance was duplicated on our external facing citizen website, Edinburgh.gov.uk.
- 3.9 Once completed, we will review how we ensure that:
- all employees who may not have their own devices, or
 - have connectivity issues accessing the Orb and myLearningHub

are aware of resources available to enable access including using the People's Network in libraries. We will also explore options for access at depots or other Council buildings.

New HR/Payroll System

- 3.10 The proposal for a new HR/Payroll System will go to Committee for approval on 10th March 2023.
- 3.11 The critical underpinning drivers for this are to deliver a service that is engaging and inclusive, enables employee and line manager self-service, removes duplication and manual transactions, reduces risk, simplifies processes, allows data driven insight by ensuring our processes are right first time all the time, and supports Council strategies and initiatives.
- 3.12 A key component of this is employee self-service which will be used by all employees to undertake tasks such as overtime submission, request holidays, and update their own bank or personal details. This will be accessible externally to approved users using their personal e-mail address.

Council E-mail Address Provision

- 3.13 The provision of a Council e-mail address will provide no real benefit to employees who do not currently have one beyond being able to send an e-mail from 'edinburgh.gov.uk' which they do not need to do in the normal course of their work.
- 3.14 The real benefits to inclusion and relevant system access comes from enabling access to myLearningHub, the Orb (for all colleague communications and policies, etc.) and to the future vision of employee self-service to the new HR/Payroll system.
- 3.15 Future new systems will also be reviewed to ensure that access to systems, where appropriate, does not require a Council e-mail address.
- 3.16 Provision of a Council e-mail address would carry significant and recurring costs.
- 3.17 The annual costs for provision of a Council e-mail address, based on 5000 employees, would be:

Support	CGI Service Desk only	£	900,000
MS License - F3 option	MS365	£	325,000
Anti-Phishing Tool	Security	£	113,000
Security Training Tool	Security	£	9,000
TOTAL		£	1,347,000

- 3.18 Note that the costs above would increase annually in line with inflation.
- 3.19 Additionally, the programme to deliver Council email addresses would require project delivery and management, infrastructure costs from CGI, and ongoing additional staffing required within Digital Services. We estimate, based on other programmes of work, one off project costs of between £2 to £4 million with additional staffing costs of £350k to £700k per annum. We would also estimate at least a 2-year delivery for this programme.
- 3.20 This would mean a years 1 and 2 cost of c £4million per annum, with year 3 and beyond costs of at least £1.7m (plus inflation).

4. Recommendations

- 4.1 To note the programme for the collection of personal e-mail addresses and support Human Resources in this work.
- 4.2 To note the progress to date and future plans for enabling access to relevant Council digital resources to those without a Council e-mail address.
- 4.3 To note the costs associated with providing a Council e-mail address and the marginal benefits to be gained from these.
- 4.4 To note the future review of how to best enable colleagues to securely access systems out with the Council network.

5. Contact Details

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February 2023 Updates

Theme One: Employment Policy

	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter
1	9.1.9 (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.	The Council's current Code of Conduct policy will be revised & strengthened to include declaration of relationships. This was approved at Policy & Sustainability Committee in January 2023. Policy launch proposed during April 23		Launch April 23		Q2 2023
CURRENT POSITION New Employee Code of Conduct approved by P&S Committee January 23 Managing Relationships within the Workplace has now been incorporated within the new Code of Conduct. A supporting user guide for colleagues has also been developed to inform employees of their responsibilities and advising managers on how to manage these situations. The HR system is being updated to allow for a central record to be held of all declared relationships. This will be launched alongside the Code of Conduct during April 23 A robust communication plan is in place to launch this policy and associated digital learning module. All people leader sessions to launch Behaviours are due to take place in April then live to all colleague's during May 2023. The Code of Conduct policy will launch the following week (w/c 8 May) with communications through Managers' News, News Beat, Colleague News (sent to those who subscribe to receive email to their personal address), updated Orb and candidate portal pages, and a printed 'Our Culture' leaflet which includes key messaging and links to the Code of Conduct, sent to home addresses of offline/frontline colleagues.						
2	9.1.10 (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.	The Council's current Domestic Abuse Policy has been revised to address all recommendations. This was approved at Policy & Sustainability Committee in March 2022. Digital training for managers launched June 22, revised module for all colleagues due March 23.		Launch April 23		Q2 2023
CURRENT POSITION New Employee Code of Conduct approved by P&S Committee in January 23 Managing Relationships within the Workplace has now been incorporated within the new Code of Conduct. A supporting user guide for colleagues has also been developed to inform employees of their responsibilities and advising managers on how to manage these situations as well as links to the appropriate policies regarding allegations of a sexual nature, domestic abuse or other forms of harassment out with and within the workplace. The HR system is being updated to allow for a central record to be held of all declared relationships. This will be launched alongside the Code of Conduct. New Domestic Abuse Policy was launched to all colleagues on News Beat on 30 June 2022, followed by a Chief Executive vlog in July 2022. Details of the "DAART" learning module and the "Tackling domestic abuse as a workplace issue" training for managers, was communicated to all managers through Managers' News email on 4 July 2022. Launch of the revised Domestic Abuse Awareness module for all colleagues will be launched in the next few months.						
3	9.1.11 (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 which arise outside the workplace and / or outwith work hours.	The Council's current Domestic Abuse Policy has been revised to address all recommendations. This will be taken to Policy & Sustainability Committee in March 2022. Digital training for managers launched June 22, revised module for all colleagues, due quarter 2, 2023.				Q3 2022
CURRENT POSITION Domestic Abuse Policy was approved in March 2022, the digital learning for managers was launched in June 2022.						
4	9.1.16 (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)		Launch April 23		Q2 2023
CURRENT POSITION In line with the expectations set out in the new Code of Conduct, there is now a requirement for all familial and personal relationships to be disclosed and line managers will be required to update an individual's HR record to reflect this. Work ongoing with Systems, Operation Excellence and ER & Policy Team to ensure fit for purpose recording and reporting tool to be launched with the new Code.						
5	Recommendation 4 (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.					Q3 2022/Q2 2023
CURRENT POSITION The revised Chief Executive & Chief Officer Disciplinary policy was approved by Council in June 2022 and launched October 2022. A wholly revised Heads of Service Discipline policy is currently being prepared						

6	Recommendation 8 (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.				Q2 2023
CURRENT POSITION Included in policy, toolkit and digital learning module and will be highlighted in communications to all colleagues The revised Whistleblowing Policy 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 by no later than May 2023.						
7	Recommendation 28 (the Review): The whistleblowing process should be periodically audited by internal audit and, perhaps once every five years, reviewed by an external provider.	This will be incorporated into IA planning cycle.				Q2 2022
CURRENT POSITION This will be evidenced through copy of the Committee Report that indicates it is in the relevant Internal Audit Plan.						
8	Recommendation 33 (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.				Q2 2023
CURRENT POSITION Included in the new Whistleblowing policy and toolkit which have finished consultation and will be presented to Policy and Sustainability Committee for approval not later than May 2023.						
9	Recommendation 38 (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.	See recommendations 9.1.9 & 9.1.10.		Launch April 23		Q2 2023
CURRENT POSITION Included in Code of Conduct Communications scheduled to launch the Code of Conduct alongside our new Key Behaviours in April 2023 to people leaders and then to all colleagues in May 2023. This will highlight the disclosure of relationships should be discussed with managers and that managers must record this information on the current HR system. A new field has been created on the system to allow managers to do this themselves.						
10	Recommendation 42 (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.	Policy update required. Need to consider confidentiality when required.				Q2 2023
CURRENT POSITION Included in the new Whistleblowing policy and toolkit which have finished consultation and will be presented to Policy and Sustainability Committee for approval not later than May 2023.						
11	Further Council recommendation (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.	This means a review of: Code of conduct Violence at work; Alcohol, drugs & substance; Avoidance of B&H Grievance (plus Personnel Appeals Committee) Local Government Employees; Avoidance of Bullying & Harassment (plus Personnel Appeals Committee) Teachers; Disciplinary (plus Personnel Appeals Committee) Local Government Employees; Disciplinary (plus Personnel Appeals Committee) Teachers; Disciplinary (Chief Executive & Chief Officers) (plus appeal) – in progress.				Q2 2022 – Q2 2023
CURRENT POSITION A timeline for the review of policies has been developed, along with supporting project documentation Domestic Abuse Policy launched June 2022 Teaching Staff and LGE Disciplinary Policies and PAC for Disciplinary agreed at Committee in August 22, launched in October 2022. All policies are in line with SNCT, ACAS good practice and now include requirements for NOs and IOs to complete a Declaration of independence from the outset. Revised Disciplinary for CEO/Executive Directors now in place Code of Conduct approved Jan 2023 and will be launched directly after the Behaviours in May 2023 Remaining policies for review include: Alcohol, Drugs & Substance Misuse – policy is complete and out for consultation with Trade Union’s then for approval to Policy & Sustainability committee in June 2023 ABH & Grievance policy is in the final format and will be available for consultation with Trade Union’s by April 2023 Revised Heads of Service Disciplinary currently being prepared. Violence at work and Managing Customer Contact in a Fair and Positive Way – proposal to consolidate into a new Protecting our Workforce Policy. As part of this work, a dedicated 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 to preventing bullying & harassment of all forms. This policy is currently being reviewed.						

Theme Two: Investigations

	Recommendation / Observation	Council Response	Completed	Underway	Not yet started	Quarter
1	9.1.1 (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 CEC.	The creation of an internal Investigatory Unit and new "front door" for HR matters and WB.				Q3 2022
	CURRENT POSITION The Investigations Team has been operational since October 2022. The investigation unit was introduced to colleagues by Andrew Kerr vlog, Managers News email, News Beat and Colleague News email to personal email addresses in December 2022. All relevant matters are referred externally to the Police and other agencies (eg SSSC) as required.					
2	9.1.2 (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.	See 9.1.1.				Q3 2022
	CURRENT POSITION See 9.1.1					
3	9.1.3 (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.	This will be included in relevant Policies & processes.				Q2 2023
	CURRENT POSITION All such matters are already referred to the Monitoring Officer for information prior to an investigation commencing. The Monitoring Officer's team are also addressing this element of the Process Development as part of their Whistleblowing Project Plan to ensure further requirements are in place by June 23. The participants in the triage process will addressing this recommendation as part of the process and will maintain records and analyse trends. The Monitoring Officer's Team, the Investigation Team and the Human Resources Team meet regularly, with the Service Provider when required, to discuss patterns and concerns and agree how these should be dealt with.					
4	9.1.4 (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 support services for survivors, where necessary.	Not applicable. See 9.1.1.				Q3 2022
	CURRENT POSITION Declaration of independence form completed by all IO's for all investigations Signposting guidance shared with team in relation to support services Team have completed bespoke specialist training with external experts on trauma informed interviewing Team Leader allocates cases with considered approach					
5	Recommendation 10 (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.	See 9.1.1 for Investigatory Officers.				Q3 2022
	CURRENT POSITION Already implemented					

6	Recommendation 35 (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.						Q2 2022
CURRENT POSITION The new Whistleblowing policy confirms the route to raise any concerns in relation to detrimental treatment or reprisals as a result of whistleblowing. The Monitoring Officer's team are addressing this element of the Process Development as part of their Whistleblowing Project Plan to ensure requirements in place by May 2023. Process will be to check in periodically in the 12 month period via Safecall portal following a disclosure is made to ask them whether they consider that they have suffered detrimental treatment as a result of raising a concern							
7	Recommendation 36 (the Review): Where an Investigating Officer is from the same service area as the subject of the disclosure, Safecall (or another independent provider) should perform a "critical friend" role to oversee the whistleblowing investigation more closely.	Not applicable. See 9.1.1.					Q3 2022
CURRENT POSITION The creation of the Investigation Team will ensure allocation of Investigating Officer avoids this happening							
8	Recommendation 37 (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.	Unlikely to be regularly required for Investigatory Officers (see 9.1.1). Will be included in process for Nominated Officers.					Q3 2022
CURRENT POSITION Already implemented.							

	Recommendation / Observation	Council Response	Completed	Underway	Not yet started	Quarter
9	Recommendation 40 (the Review): An investigation scope for a whistleblowing investigation should be prepared at the outset and, where appropriate, shared with the whistle-blower 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.	Design standard agreed scope documentation. Agree protocol for sharing and timelines. Will be responsibility of Investigatory team.				Q3 2022
	CURRENT POSITION Scope and investigation templates/plan in place.					
10	Recommendation 41 (the Review): CEC should be proactive in relation to attempts to contact anonymous whistle-blower's (via a secure portal) and always seek to interview the whistle blower regardless of their level of anonymity. In cases where the whistle-blower does not wish to be identified to CEC, Safecall (or another independent provider) should be tasked with undertaking an interview and then feeding back the findings to CEC (subject to any relevant redactions required to protect the whistle blower's identity).	Part of Safecall role, together with Investigatory team.				Q3 2022
	CURRENT POSITION Already implemented. Functionality of Safecall portal allows communication with whistleblower even if they wish to remain anonymous. Investigating Officers liaise with the Monitoring Officers Team to access portal as required					
11	Recommendation 43 (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.				Q3 2022
	CURRENT POSITION Already implemented in practice and will form part of the new Policy and toolkit.					
12	Recommendation 44 (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.					Q3 2022
	CURRENT POSITON Already implemented					
13	Recommendation 45 (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				Q3 2022
	CURRENT POSITION Already implemented					
14	Further Council recommendation (the Inquiry): That in delivering the Inquiry Recommendations, the Chief Executive give consideration to expanding the scope of 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.	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.				Q3 2022
	CURRENT POSITION Already implemented					
15	Observation (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.				Q3 2022
	CURRENT POSITION Already implemented					

16	Observation (the Review): Ensuring whistleblowers are protected from prejudicial treatment and that whistleblowing investigations are conducted properly and robustly.	See Recommendations 29, 34 and 35.				Q3 2022/Q2 2023
CURRENT POSITION Included in the new Whistleblowing policy, toolkit and digital learning module which will be approved no later than May 2023. The Whistleblowing policy confirms the route to raise any concerns in relation to detrimental treatment or reprisals as a result of whistleblowing and ensures all whistleblowers will be supported by the Council. Investigations Unit have received specialist training with external experts on trauma informed interviewing and are fully operational. Investigating officer reports are audited by Team Leader and Head of Unit						
17	Observation (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.				Q2 2023
CURRENT POSITION Included in new Whistleblowing policy, toolkit and digital learning module Process design incorporated into the Monitoring Officers Team Whistleblowing Project Plan to ensure requirements in place by May 23 Work in partnership with Union colleagues to reinforce messaging Strong communications plan in place that will clearly outline the expectations for whistleblowers when policy, toolkit and training is launched. This will be further clarified during the Speak Up (Report and support) campaign to run later in 2023, which will feature dedicated communications and engagement with colleagues encouraging and reassuring them about raising concerns including whistleblowing, what this means for them should they choose to do so, and the support they can receive if they choose to disclose or have experienced unacceptable behaviours.						
18	Observation (the Review): Accurate and contemporaneous minuting of meetings with whistle-blowers and other interested parties to avoid subsequent disagreement about what was said.	Investigatory Officer team resource.				Q3 2022
CURRENT POSITION Already implemented through recruitment of Investigation Team Note takers						
19	Observation (the Review): CEC should continue to engage an external whistleblowing hotline provider.	Agreed				Q2 2022
CURRENT POSITION The Council will continue to work with Safecall as the current provider and will continue to procure an external provider once the current contract expires.						
20	Observation (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.	See Recommendation 17. Theme 4				Q2 2023
CURRENT POSITION Included in Whistleblowing policy, toolkit and digital learning module which explains the difference between external/internal whistleblowing. All Disclosures received will be assessed amongst the Council's Investigation Team, the Monitoring Officer's Team and/or Service Provider (Safecall) or other relevant party for further action. Safecall provide a disclosure assessment as to how it should be processed based on the rationale in the policy. The classification/advisement of how it will be investigated will be addressed through the acknowledgement process.						
21	Observation (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.	See Recommendation 34. Theme 3				Q2 2023
CURRENT POSITION Included in Whistleblowing policy, toolkit and digital learning module Investigation Officers from the Council are requesting the Monitoring Officers Team to place requests for interviews/further information to the whistleblower on Safecall's portal. This allows whistleblower to remain anonymous whilst engaging with the Investigating Officer. This change is already implemented and bolstered by new policy						
22	Observation (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 about any further feedback to expect.	Protocol for feedback to be developed and adhered to as part of Policy.				Q2 2023
CURRENT POSITION Included in Whistleblowing policy, toolkit and digital learning module. The whistleblower and any appointed trade union representative will be informed of the progress of an investigation and the outcome of it and any actions to be taken during or as a result. The whistleblower will be kept updated via Safecall portal by either Safecall or the Monitoring Officers team dependant on how the case is processed						

23	Observation (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.	This will be reviewed as part of Policy review/ development. See Policy section.				Q2 2023
CURRENT POSITION Already in place in practice. Included in new Whistleblowing policy.						
24	Observation (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.	This will be considered as part of Policy review/ recommendations. See Policy section.				Q4 2022
CURRENT POSITION The Investigation team ensure that Nominated officers are appraised of this observation						
25	Observation (the Review): In such circumstances, I would encourage CEC to share more information with the complainant as to the outcome of the investigation and the actions taken. To achieve true reconciliation and to allow people to move 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.	Protocol/guidance re sharing of appropriate info re outcome and what is being done to be developed.				Q2 2023
CURRENT POSITION The Whistleblowing policy advises where possible information will be shared in line with GDPR guidelines. The whistleblower receives outcome notification by letter. A facilitated meeting is held as part of the Early Resolution Process.						

Theme Three: Leadership, Training and Development

	Recommendation / Observation	Council response	Completed	Underway	Not started	Quarter
1	9.1.5 (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.	Not applicable, see Investigations section.				Q3 2022
CURRENT POSITION Investigation Team have completed bespoke specialist training with external experts on trauma informed interviewing. Signposting guidance shared with team in relation to support services						
2	9.1.6 (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.	Domestic abuse, coercive control will be delivered when the revised Domestic Abuse policy is approved (see Policy section). Public Disclosure and Whistleblowing training will be developed and rolled out to colleagues and elected members by Autumn 2022.				Q2 2022 (roll out to managers) Q2 2023 (Roll out to all colleagues)
CURRENT POSITION Tackling Domestic Abuse as a Workplace Issue Digital Learning Pathway rolled out to all managers from June 2022. This pathway includes the DAART awareness raising module. We are making changes to the Pathway based on initial feedback received and will advertise the updated Pathway to all managers. A revised digital module for all colleagues is being designed for roll out April 23. To continue to support frontline colleagues to sign up to myLearning Hub (mlh), monthly communications are being sent out through Managers' News and Newsbeat and some onsite support has been given to colleagues to help them access mlh using their Total Mobile device.						
3	9.1.7 (the Inquiry) all employees of the CEC with line management responsibilities should be required to partake in mandatory training on domestic abuse, 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.	Line manager training will be designed and delivered post Committee approval of the revised Domestic Abuse Policy.				Q2 2022 continue Q2 2023
CURRENT POSITION Tackling Domestic Abuse as a Workplace Issue Digital Learning Pathway rolled out to all managers from June 2022. This pathway includes the DAART awareness raising module. We are making changes to the Pathway based on initial feedback received. The domestic abuse training for managers covers domestic abuse and coercive control and how to support colleagues experiencing domestic abuse. Completion of the digital learning is recorded on my learning hub. Line managers have access to a dashboard to monitor completion of their direct reports two levels down. Learning and Development can provide a report of total completions across the whole organisation						
4	9.1.8 (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.	This training will be designed / delivery commenced in 2023.				Q2 2023
CURRENT POSITION The Whistleblowing digital learning module is being designed and will be rolled out once the policy has been approved at committee by May 2023. The module aligns with other policies including Disciplinary, Grievance and Bullying and Harassment. The Keeping You Safe Confidential and Compliant is being re-designed to include key messages in relation to the Code of Conduct for all colleagues. This module will be launched along with the revised policy. This new module will be called Working in Edinburgh. Policy into Practice sessions and digital learning will support managers to link and distinguish between role of key policies						
5	Recommendation 1 (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.	Arrange more training and refreshers through Governance team; Keep register of training; Report to group; Training proposed to be mandatory for the induction then by agreement.				Q2 2022 in Q3 2022
CURRENT POSITION - The Monitoring Officers Team are designing a session for members which outlines our process for whistleblowing, their scrutiny role and a Q&A. It is planned to have this as a hybrid session which will be recorded and uploaded onto the members section of MLH for future viewing to be delivered in quarter 2 of 2023						

6	Recommendation 2 (the Review): Whistleblowing training should be delivered to and attended by all Councillors.	This training will be developed / delivered in Q2 2023				Q2 2023
CURRENT POSITION The Monitoring Officers Team are designing a session for members which outlines our process for whistleblowing, their scrutiny role and a Q&A. It is planned to have this as a hybrid session which will be recorded and uploaded onto the members section of myLearning Hub for future viewing to be delivered in quarter 2 of 2023. This will align with the launch of the new Policy. A Whistleblowing workshop was held with GRBV members in November 2022.						
7	Recommendation 5 (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.	Develop and implement new WB policy. Develop and deliver a comms and training strategy.				Q3 2023
CURRENT POSITION Policy being reviewed and will be aligned to Whistleblowing policy A digital module will be designed to accompany the new Avoidance of Bullying & Harassment/Grievance Policy into Practice sessions for managers will include Avoidance of Bullying & Harassment/Grievance						
8	Recommendation 7 (the Review): A new whistleblowing communications and training strategy should be put in place and rolled out across CEC.					Q2 2023
CURRENT POSITION Communications plan will support launch of the new Whistleblowing policy and Toolkit and learning for colleagues and managers. This will be delivered on launch through existing channels including vlog with Andrew Kerr, Managers News email, News Beat article, new Orb content, Colleague News email to those subscribed to receive email to their personal address, and printed material to frontline/offline colleagues. This will be further clarified during the Speak Up (Report and support) campaign to run later in 2023, which will feature dedicated communications and engagement with colleagues encouraging and reassuring them about raising concerns including whistleblowing, what this means for them should they choose to do so, and the support they can receive if they choose to disclose or have experienced unacceptable behaviours.						
9	Recommendation 24 (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				Q2 2023
CURRENT POSITION Reference to previous Vlogs by Chief Executive and Monitoring Officer and communications post Tanner report Detailed in Whistleblowing toolkit and digital learning module which will be launched once policy has been approved. The digital learning module will incorporate part of a managers essential learning programme. Evaluation will be reviewed Take up of training will be monitored and reports provided to all managers This will be included in Policy into Practice sessions and digital learning.						
10	Recommendation 34 (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. Training delivered to managers should explain what amounts to 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.				Q2 2023
CURRENT POSITION A Whistleblowing Digital Module is being designed for all colleagues and an additional part for managers. The new Whistleblowing policy makes the position re anonymity clear and confirms the route to raise any concerns in relation to detrimental treatment or reprisals as a result of whistleblowing The module includes information about two types of anonymity and support for colleagues and managers in relation to detrimental treatment. Policy into Practice sessions are being designed for managers– Whistleblowing will be included. Included in communication plan and Speak Up Champion will reiterate this Safecall website advises that disclosures can be made anonymously						
11	Recommendation 50 (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.				Q2 2023
CURRENT POSITION Legal services arranging training in March/April 2023.						

12	Observation (the Review): Regular promotion of whistleblowing by managers and through other communications is essential.	This will form part of the Council's communication plan.				Q2 2023
CURRENT POSITION Communications plan contains continuous engagement with managers through layered engagement process to CLT, then SLT, then all people leaders and talk with Andrew sessions for all colleagues. These will be virtual and in-person and will run quarterly from launch date of whistleblowing policy, toolkit and training. There will be written communications via Managers' News, and team toolbox talks provided for managers to engage their teams. Regular updates have been made to Senior Leadership Team in relation to Tanner report and recommendations. Speak Up Champions will be launched to colleagues at the same time as the Whistleblowing policy, toolkit and training launch, with dedicated communications introducing the Speak Up Champions and instructions for colleagues on how to contact them and what for. This will be further clarified during the Speak Up (Report and support) campaign to run later in 2023, which will feature dedicated communications and engagement with colleagues encouraging and reassuring them about raising concerns including whistleblowing, what this means for them should they choose to do so, and the support they can receive if they choose to disclose or have experienced unacceptable behaviours.						
13	Observation (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.				Q2 2023
CURRENT POSITION Policy into Practice sessions are being designed for managers, whistleblowing will be included. We are working on how sessions will be delivered in an ongoing way so that managers can access the learning when they need it. Disciplinary digital learning launched with revised policy in Autumn 2022. Communications were issued to colleagues via Managers' News on 3 Oct 2022, 16 Nov 2022 and 30 Nov 2022. Encouragement to colleagues to read new policies was included in Chief Executive's vlog. Set up new Governance group for Essential Learning. This group will consider refresher learning timescales. A digital module will be designed to accompany the new Avoidance of Bullying & Harassment/Grievance Policy into Practice sessions for managers will include Avoidance of Bullying & Harassment/Grievance						
14	Observation (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.				Q4 2022
CURRENT POSITION Investigations team have received bespoke specialist training						
15	Observation (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.	Whistleblowing, including Public Interest Disclosures, training will be revised and rolled out. Proposal to be further developed on triage process.				Q3 2023
CURRENT POSITION Early resolution and creating an open culture for raising concerns is being emphasised in the design of digital and in-person learning including Whistleblowing, Policy into Practice sessions, Conversation Spotlight has a focus on how to have necessary conversations across a range of topics encouraging openness and transparency. Speak Up Champions will be launched in quarter 2 of 2023 who manager can also signpost an employee to.						

Theme Four: Systems/processes

	Recommendation / Observation	Council response	Completed	Underway	Not started	Quarter
1	9.1.12 (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).	This requires system functionality build.				Q2 2021 (HR system) – Q2 2023
	CURRENT POSITION Report on new HR system options/procurement to Council on 23 February then to a special Finance & Resources committee on 10 March for approval Domestic abuse disclosure currently recorded on HR system by managers on behalf of employee. HR Case team receive notification and offer support/guidance to the manager. Reported to Monitoring Officer. The Monitoring Officer's team receive records of all disclosures made to Safecall or by internal management referrals. The Investigation Team provides the finalised investigation report from whistleblowing disclosures that they have investigated, these are reviewed by the Monitoring Officer and Safecall before going to GRBV (now going to be a sub-committee). Further discussion needs to take place with all triage members to ensure this information is captured and recorded consistently until the new HR system is in place. Pending decision on CEC HR system records will be retained by Investigations unit/Safecall					
2	9.1.13 (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 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.	Training will be provided on 1:1's and supervision etc to ensure improved record keeping.				Dependant on HR system
	CURRENT POSITION The Monitoring Officer's team receive records of all disclosures made to Safecall or by internal management referrals. The Investigation Team provides the finalised investigation report from whistleblowing disclosures that they have investigated, these are reviewed by the Monitoring Officer and Safecall before going to GRBV (now going to be a sub-committee). Further discussion needs to take place with all triage members to ensure this information is captured and recorded consistently until the new HR system is in place. Pending decision on CEC HR system records will be retained by Investigations unit/Safecall					
3	9.1.14 (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.	The current HR system does not enable this functionality.				Dependant on HR system
	CURRENT POSITION Included in Whistleblowing policy and toolkit. In accordance with the Council's Records Retention Scheme, details of all whistleblowing concerns and investigations will be retained for 6 years from the close of the investigation, except where separate retention rules apply (including, but not limited to child protection matters where a period of 25 years will apply). The Monitoring Officer's team currently retain records of all disclosures made to either Safecall or via internal management referrals which allows for identification and deletion in accordance with data retention rules. Pending decision on CEC HR system records will be retained by Investigations unit/Safecall					
4	Recommendation 6 (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.	This will be included in Recruitment and Selection training and the current process which is currently required for all recruiters to complete				Q2 2022
	CURRENT POSITION Already implemented					
5	Recommendation 9 (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 appointed as an Investigating Officer for the first time.	Not applicable, see Investigations 9.1.1.				Q3 – 4 2022
	CURRENT POSITION Investigating Team have completed bespoke specialist training with external experts on trauma informed interviewing and will be included as part of essential learning for all Investigating Officers.					
6	Recommendation 11 (the Review): CEC should resource the use of note takers for investigative interviews.	There is no resource capacity for this currently.				Q3 2022
	CURRENT POSITION Already implemented					
7	Recommendation 12 (the Review): The Whistleblowing 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 fortnightly meetings have been set up.				Q2 2022
	CURRENT POSITION Already implemented					

8	Recommendation 13 (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).				Q2 2023
CURRENT POSITION Included in the Whistleblowing policy. The Monitoring Officer's Team, the Investigation Team and the Human Resources Team will meet regularly, with the Service Provider when required, to discuss patterns and concerns and agree how these should be dealt with. The Monitoring Officer's team will incorporate this into the Process design as part of the Whistleblowing Project Plan to ensure requirements in place by May 23. A review of categorisations of disclosure and the information received from Safecall and how the Council can analyse that information will be put in place.						
9	Recommendation 14 (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).				Q2 2022
CURRENT POSITION Already implemented						
10	Recommendation 15 (the Review): CEC should consider putting in place a system for Colleagues to provide anonymous feedback on the conduct and behaviours of managers as part of their annual performance reviews.					Q1 2023 - Q4 2024
CURRENT POSITION 360 feedback tool has been procured and roll out will commence with SLT in February 23, to be rolled out on a phased basis over the next 12 months to all people leaders. Analysis of feedback to SLT will be provided by an external supplier Analysis of feedback to all other managers will be provided in-house						
11	Recommendation 16 (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.				Q2 2023
CURRENT POSITION The Monitoring Officer's team and HR Team will design the process as part of the Whistleblowing Project Plan to ensure requirements in place by May 2023. There are some challenges to be resolved in relation to what can be recorded on the current Prejudiced Based disclosure process via a confidential/anonymous disclosure made to the Council Monitoring team or Safecall						
12	Recommendation 17 (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 has been given to the design of the triage options				Q2 2023
CURRENT POSITION Included in Whistleblowing policy, toolkit and digital learning module All Disclosures received will be assessed amongst the Council's Investigation Team, the Monitoring Officer's Team and/or Service Provider (Safecall) or other relevant party for further triage and action						
13	Recommendation 18 (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.				Q2 2023
CURRENT POSITION Included in the new Whistleblowing policy, toolkit and digital learning module All Disclosures will be assessed on receipt. For all Disclosures, Safecall will make an initial determination as to whether the Disclosure should be classified as 'External' or 'Internal'. External classification will be used when the Disclosure presented appears, on the face of it, one of significant concern that will require direct investigation by them or an external expert. Internal classification will be used when it appears, on the face of it, that the Disclosure is of less significant concern and is appropriate for investigation primarily by the Council, either by the Investigation Team or an appropriate manager.						
14	Recommendation 20 (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 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.	Whistleblowing Policy to be revised. Engagement with Safecall to discuss required.				Q2 2023
CURRENT POSITION Included in revised whistleblowing policy, toolkit and digital learning module In place since 2020, this will be reflected in the revised reporting requirements that will be starting from June 2023. As part of the reporting review the Monitoring Officer's team are seeking to make this more identifiable in the management information provided to Elected Members						
15	Recommendation 21 (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.	Agree new KPIs with Safecall and consider consequences.				Q2 2023

	CURRENT POSITION The revised KPIs will be reflected in the revised reporting requirements that will commence June 2023.					
	Recommendation / Observation	Council response	Completed	Underway	Not started	Quarter
16	Recommendation 22 (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 should be shared with GRBV at the first quarterly meeting following the disclosure.	Need to agree process with Safecall. The revised KPIs will be reflected in the revised reporting requirements that will commence June 2023.				Q4 2022
	CURRENT POSITION In place. The Monitoring Officer's team maintain this information and provide it to GRBV as part of the regular reporting					
17	Recommendation 23 (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.				Q2 2023
	CURRENT POSITION Speak Up Champions have been selected and will be launched to colleagues at the same time as the Whistleblowing policy, toolkit and training launch, with dedicated communications introducing the Speak Up Champions and instructions for colleagues on how to contact them and what for. This will be further clarified during the Speak Up (Report and Support) campaign to run later in 2023, which will feature dedicated communications and engagement with colleagues encouraging and reassuring them about raising concerns including whistleblowing, what this means for them should they choose to do so, and the support they can receive if they choose to disclose or have experienced unacceptable behaviours.					
18	Recommendation 25 (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.				Q2 2023
	CURRENT POSITION In place as detailed in current policy Included in the revised Whistleblowing policy, toolkit & digital learning module. Any information identified via another Council process as a whistleblowing matter will be shared with the Monitoring Officer and the Monitoring Officer's Team and Investigation Team and, if necessary, the Service Provider (Safecall) to ensure it is dealt with in accordance with this Policy					
19	Recommendation 26 (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.				Q4 2022
	CURRENT POSITION Already implemented					
20	Recommendation 27 (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.				
	CURRENT POSITION This was agreed at Full Council on the 9 February 2023 and a sub-committee is to be established.					
21	Recommendation 29 (the Review): CEC should take steps to ensure that anyone who 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.	Policy update. Manager training. Process document to be developed for both whistleblowers and those subject to the review with options and information.				Q2 2023
	CURRENT POSITION All Council employees can access confidential counselling directly and/or request an occupational health referral from their line manager. This is detailed in the revised whistleblowing policy, toolkit and digital learning module. Speak Up champions will also inform.					
22	Recommendation 30 (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.	Process and Expectation Management Protocol to be developed and agreed.				Q2 2023
	CURRENT POSITION Expectation Management Protocol included in Whistleblowing policy, toolkit and digital learning module The Monitoring Officers team are designing the Process as part of the Whistleblowing Project Plan to ensure requirements in place by June 2023.					
23	Recommendation 31 (the Review): Accurate and contemporaneous minutes should be taken by CEC at all meetings and during all conversations with whistleblowers and other interested parties.					Q4 2022

	CURRENT POSITION Recruitment of Note Takers complete				
24	Recommendation 39 (the Review): CEC should develop an action plan to improve its approach to communicating with front-line Colleagues with identifiable KPIs.	This will require a solution to all employee access to the Orb/communications.			Q2 2023
	CURRENT POSITION The Orb Gateway project was approved at committee in January 2023. A project team is in place. The Programme Manager from CGI met with the suppliers mid-February and confirmed that the provider have started the software development. A communication piece will be put in place as part of this project once this is ready to launch.				
25	Recommendation 32 (the Review): CEC should instigate an early resolution process and stricter timelines for the conduct of whistleblowing investigations. A Draft Model Early Resolution Process is set out in Appendix 8.	New process to be developed and agreed. Draft Model Early Resolution Process to be agreed and adopted.			Q2 2023
	CURRENT POSITION Included in Whistleblowing policy, toolkit and digital learning module The Monitoring Officers Team are designing the Process as part of the Whistleblowing Project Plan to ensure requirements in place by May 2023.				
26	Recommendation 43 (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.			
	CURRENT POSITION Already in place in practice and forms part of the new Policy and Toolkit.				
27	Recommendation 46 (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.			Q3 2023
	CURRENT POSITION The existing policy is currently in place and being used as required. Work is ongoing as to reviewing protecting staff at work policies (including Violence at work and Unacceptable Behaviour Policies).				
28	Recommendation 47 (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.			Q4 2022
	CURRENT POSITION The use of LPP is discussed at the outset and only used where absolutely considered necessary. In such circumstances the reasoning will be documented.				
29	Recommendation 48 (the Review): Any decisions to treat a matter as legally privileged should be clearly documented with appropriate analysis of the application of the legal tests to the facts at hand being set out.	LPP protocol to be developed.			Q4 2022
	CURRENT POSITION See Recommendation 47				
30	Recommendation 49 (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.			Q4 2022
	CURRENT POSITION Already implemented and will be considered on a case by case basis in line with the Member Officer Protocol				
31	Observation (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.			Q4 2022
	CURRENT POSITION In place with consideration given as part of policy review and case review between the Monitoring Officer's team, Investigations team and HR				

32	Observation (the Review): Going forward, I recommend that any decision to cease communication with a complainant 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.					Q2 2023
CURRENT POSITION Included in Whistleblowing policy In place within Managing customer contact in a Fair & Positive Way, this policy will be included in the new Protecting our Workforce policy that is currently being reviewed.							
33	Observation (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.					Q1 2023
CURRENT POSITION It is proposed that GRBV will receive a regular 6 monthly update report noting relevant adverse regulator decisions with GRBV then able to request further information as required.							
34	Observation (the Review): Recommendations coming out of complaints, internal 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.	Governance and assurance process to be fully developed and implemented. IA and first line checks. Whistleblowing team checks.					Q3 2023
CURRENT POSITION The Monitoring Officers team are reviewing the Assurance Management Framework to ensure assurance actions are monitored and a simple process of escalation is in place to ensure accepted recommendations/actions are completed. The G&A process to go back to GRBV in March 2023.							
35	Observation (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.					Q2 2023
CURRENT POSITION Already implemented in practice and is included in the new Whistleblowing policy & toolkit							
36	Observation (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.					Q3 2022
CURRENT POSITION Advice is sought from the DPO and Legal Services as required							
37	Observation (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.					Q2 2023
CURRENT POSITION Legal services arranging training in March/April 2023.							
38	Observation (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.					Q4 2022
CURRENT POSITION This is reviewed on a case by case basis.							
39	Observation (the Review): The immediate and ongoing steps taken 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.	See Recommendation 22.					Q1 2023
CURRENT POSITION This is already in place and forms part of the regular updates to GRBV							
40	Observation (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 disclosure (if applicable).	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.					Q2 2023
CURRENT POSITION Included in Whistleblowing policy. The Monitoring Officer's team are designing the Process as part of the Whistleblowing Project Plan to ensure requirements in place by May 2023. This has already been used in practice.							

41	Observation (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.	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.					Q2 2023
CURRENT POSITION The position regarding running matters concurrently is included in Whistleblowing toolkit.							
42	Observation (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 parts of CEC could consider adopting this process or something similar.	Process for responding to councillor queries and information provision to be looked at again.					Q3 2022
CURRENT POSITION Already implemented. Member/Officer protocol agreed at Council on 25 th August 2022							
43	Observation (the Review): Regular promotion of whistleblowing by managers and through other communications is essential.	This can be built into communication plans.					Q2-Q3 2023
CURRENT POSITION Strong communications plan in place that will clearly outline the expectations for whistleblowers when policy, toolkit and training is launched. This will be further clarified during the Speak Up (Report and support) campaign to run later in 2023, which will feature dedicated communications and engagement with colleagues encouraging and reassuring them about raising concerns including whistleblowing, what this means for them should they choose to do so, and the support they can receive if they choose to disclose or have experienced unacceptable behaviours							
44	Observation (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.					Q1 2023
CURRENT POSITION Already implemented							
45	Observation (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.					
CURRENT POSITION No appetite for such a protocol from other local authorities. MO will continue to report matters appropriately to Council as required.							
46	Recommendation 19 (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 "critical friend" of an internal Investigating Officer.	New triage process to be considered and documented. Discussion with Safecall and documentation of categories.					Q2 2023
CURRENT POSITION Part of new Whistleblowing policy and toolkit							
47	Observation (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.					Q4 2022
CURRENT POSITION Currently in practice and applied on a case by case basis.							

Theme Five: Other

Recommendation/ Observation	Council Response	Completed	Underway	Not started	Quarter
Recommendation 3: 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.				
CURRENT POSITION This is being implemented through governance of Best Value Joint group members and senior officers will oversee implementation of Best Value					
9.1.15 (the Inquiry) - 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.				Roll out Q3 2022/ended Q1 2023
CURRENT POSITION The Redress scheme was launched on 5 September 2022, independently managed by Pinsent Masons. The scheme ended on 4 th March 2023 as planned. A communication was issued to all online colleagues in February confirming the closure date of the scheme and advising the deadline for claims through Managers' News, News Beat and Colleague News					
Observation (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 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.	See Recommendation 9.1.1.				Q3 2022
CURRENT POSITION Investigations Team set up October 2022, all investigations are now undertaken by trained Investigating Officers.					
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.				Roll out Q1 2023 - Q1 2024
CURRENT POSITION 360 feedback tool has been procured and roll out will commence with Senior Leadership Team in February 23, to be rolled out on a phased basis over the next 12 months to all people leaders Analysis of feedback to SLT will be provided by an external supplier Analysis of feedback to all other managers will be provided in-house					
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.				Q2 2023
CURRENT POSITION Review is ongoing					
Observation: Apologies in relation to Case Study 2.	This will be dealt with as part of settlement discussions.				Q1 2023
CURRENT POSITION This matter is now concluded					
Lessons learn from Borders Council Consideration to the Report by Andrew Webster QC on assault allegations. Training to all colleagues on how to deal with allegations of abuse					
Elected member Reference Group A motion to cease this group was rejected by Council on 9 February 2023					

