

City of Edinburgh Council

10.05am, Thursday, 28 September 2023,

Independent Inquiry and Whistleblowing Culture Review Update

Executive/routine
Wards

1. Recommendations

- 1.1 To note the progress of implementation of the recommendations agreed at Council in respect of both the Independent Inquiry and the Whistleblowing Culture Review.
- 1.2 To note the criticality of considering the implementation of the recommendations in the context of delivering the Council's People Strategy ('Our Future Council' 2021-2024) to support enduring cultural transformation.

Andrew Kerr

Chief Executive

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Independent Inquiry and Whistleblowing Culture Review Update

2. Executive Summary

- 2.1 This report provides an update on the implementation of the recommendations from the Independent Inquiry and the Whistleblowing Culture Review agreed by Council.
- 2.2 Recommendations are contained across five themes – Policy, Investigations, Learning, Systems and Processes, and the Redress Scheme.
- 2.3 With the exception of the whistleblowing aspects which will be reported separately to the Governance, Risk and Best Value (GRBV) Committees and GRBV whistleblowing sub-committee, going forwards work in relation to cultural transformation and behaviours will be reflected in the refreshed People Strategy for 2024-2027 and associated Action Plan, which will be reported to Policy and Sustainability Committee at quarterly intervals.

3. Background

- 3.1 The Council commissioned Susanne Tanner KC to lead an inquiry into complaints about the conduct of the late Sean Bell, a former senior manager in (what was then) its Communities and Families Directorate. The outcome of that Inquiry was reported to Council in October 2021.
- 3.2 An additional independent review into the Council's whistleblowing culture was also agreed which was overseen by Inquiry Chair, Susanne Tanner KC, assisted by law firm Pinsent Masons. The background to this review was set out in the report presented to full Council in December 2021, together with additional budget to develop and deliver a substantial programme of work to implement all the recommendations.
- 3.3 The programme of work is structured around five themes:
 - 1) Policy review/development
 - 2) Investigations
 - 3) Leadership, training, and development
 - 4) Systems and processes
 - 5) Redress Scheme and other matters.
- 3.4 Due to the number of actions and recommendations, timescales for implementation ranged from July 2022 to June 2023. Those which are outstanding/still underway are outlined at paragraph 4.4.2 below.

4. Main report

- 4.1 A detailed progress update on recommendations agreed is attached at Appendix 1.
- 4.2 In addition to the implementation of the recommendations, it is critical that the Council builds on the learning and opportunity for cultural transformation and therefore recognises the breadth of work required to do this. In essence this encompasses the delivery of the commitments in the [Council's People Strategy \('Our Future Council 2021-2024'\)](#). The current Strategy is due to end on 31 March 2024 and progress towards achievement of outcomes on this as well as the consultation and engagement process for the refreshed Strategy was agreed by the Policy and Sustainability Committee on 22 August 2023. The outcomes from the Inquiry are embedded in the refreshed Strategy and support/enhance our ambitions to truly be an employer of choice going forwards.
- 4.3 In summary the following is the status of recommendations/observations:

Theme	Completed	Underway	Total
Employment Policy	9	2	11
Investigations	17	8	25
Leadership, Training and Development	4	11	15
Systems and Processes	25	22	47
Other	6	2	8
Grand Total	61	45	106

4.4 Policy Review/Development

- 4.4.1 Significant progress has been made across all aspects of the Policy workstream.
- 4.4.2 The policies which are currently outstanding are:
- Whistleblowing Policy – GRBV Committee have indicated that they wish to discuss the policy with Trade Union colleagues prior to approval. This will be facilitated in early course prior to the policy being presented to Policy and Sustainability Committee for consideration in October 2023.
 - Revised Chief Executive and Chief Officers Disciplinary Policy was approved in March 2022 and subsequently implemented. Follow up underway to consolidate and refresh existing arrangements for Senior Officers
- 4.4.3 Work is also underway to develop a Dignity at Work toolkit which will further strengthen our commitment as an organisation to develop an inclusive culture and workplace; one which recognises and values the contribution that a diverse workforce makes and specifically to further support colleagues with protected characteristics and demonstrate our commitment against bullying and harassment.
- 4.4.4 Communications have been issued to all colleagues in relation to the new policies and specific user guides and training has and continues to be delivered alongside these. They will also be incorporated into new manager training. A dedicated communication campaign is planned following approval to support the launch of the whistleblowing policy, toolkit and training.

4.5 Investigations

- 4.5.1 The Investigation team has been fully operational since October 2022 and this was communicated to all colleagues in November 2022. Overall feedback on the new model has been positive.
- 4.5.2 An operating model and running of parallel processes have been implemented, with the Governance, Human Resources Case and Investigations teams meeting on a regular basis to ensure correct triage of cases as well as ongoing case reviews, and future development of manager briefings and lessons learnt. Escalation of relevant cases to the Council Monitoring Officer as required is also in place.

4.6 Leadership, Training and Development

- 4.6.1 Organisational commitments relating to Leadership, Learning and Development are primarily delivered through the approved outcomes in our People Strategy ('Our Future Council' 2021-2024) and the Council's Strategic Workforce Plan (2021-2024) and updated refresh for 2024-2027.
- 4.6.2 To support the culture change, as well as the implementation of revised policies and to fulfil the recommendations made by the Inquiry and Review, we have designed a mixture of digital and in person learning for all colleagues and people leaders. Digital learning modules support the majority of policies. In-person sessions for people leaders will focus on policy into practice, management conversations and building relationships.
- 4.6.3 A new leadership development assessment tool, based on a 360 approach with the Council's new Behaviours embedded within it commenced in February 2023, initially with the Corporate Leadership and Senior Leadership Teams. A number of colleagues have now received their feedback and meeting with their coaching partners to consider their own personal development plans and next steps. In addition to this consideration will be given to potential themes that will then support and inform a wider senior leadership team development programme going forwards for consideration.
- 4.6.4 The speak up supporter role is scheduled to be launched in early October 2023.

4.7 Systems and Processes

- 4.7.1 In March 2023, Finance & Resources Committee approved the award of contract to Oracle to replace the Council's current HR and Payroll system. This will enable a prioritised roadmap of system development and improvements for the Council. Phase 1 encompassing core HR and payroll is due for implementation on 1 April 2024.
- 4.7.2 The intranet 'Gateway' launched in July 2023, providing functionalities for all remote 'non-IT' enabled employees to be able to access the HR system and associated guidance and support. Over 5,000 colleagues were contacted to advise of access now available to them and instructions on how to do this. To date over 1257 have signed up. This continues to be promoted and communicated to staff.

4.8 Redress scheme and other matters

4.8.1 The Redress scheme was launched on 5 September 2022 and is managed by the Scheme Administrator, Pinsent Masons for the purpose of compensation to survivors and closed on 4 March 2023.

4.8.2 Whistleblowing/Safecall

4.8.3 A wide-ranging programme of work has been ongoing since to update processes, guidance, communications, documentation, records management and revised reporting arrangements for GRBV, to implement the recommendations and observations of the cultural review. A number of practical issues have come to light over the past 12 months and following discussion about these with CLT, GRBV members and Trade Union colleagues the final proposed policy will be presented for approval. As previously indicated the current system is very much operating in the spirit of the Tanner recommendations in any event. To support the revised Whistleblowing policy once approved, a new training module is being designed and will be rolled out to all employees. The new GRBV Sub-Committee initial meeting was on 22 May 2023.

4.8.4 Whistleblowing training for Elected Members will be scheduled to coincide with the launch of the new Whistleblowing policy in November 2023.

5. Next Steps

5.1 Delivery of outstanding recommendations and observations from the Independent Inquiry and Whistleblowing Culture Review with oversight and scrutiny provided by Corporate Leadership Team and associated Committees (Whistleblowing, GRBV and Policy and Sustainability).

5.2 To ensure that learning and recommendations are embedded in the refreshed People Strategy for 2024-2027 with quarterly reports on progress to the Policy and Sustainability Committee.

6. Financial impact

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

6.2 The Business Case relating to the Council's Human Resources system has been completed and was approved by Finance and Resources Committee 7th February 2023 and Full Council 23rd February 2023.

6.3 The cost implication for implementing the solution to enable all employee access to the Orb (the Council's intranet) was approved by Corporate Leadership Team (25th January 2023) and has been met by the approved Inquiry and Review budget.

7. Equality and Poverty Impact

7.1 All communications will consider protected characteristics, our Council Equality and Diversity Framework and will meet current accessibility standards.

8. Climate and Nature Emergency Implications

- 8.1 Environmental considerations will be considered when producing printed materials, adhering to our Council printing policy and used only when alternative digital methods are not appropriate.

9. Risk, policy, compliance, governance and community impact

- 9.1 Individual actions, e.g., implementation of new policies is discussed with key stakeholders and partners including trade unions and colleague networks.
- 9.2 Progress on People Strategy 2024-2027 will be made to Policy & Sustainability Committee on a quarterly basis.

10. Background reading/external references

- 10.1 [Independent Inquiry Report Arising Out of Allegations Concerning the Conduct of the late Sean Bell – Report by the Chief Executive \(28 October 2021\) Investigation Reports.](#)
- 10.2 [Update on recommendations \(25 November 2021\) Independent Inquiry Report Arising Out of Allegations Concerning the Conduct of the Late Sean Bell – Update on Recommendations](#)
- 10.3 Review of Whistleblowing and organisational Culture (16th December 2021) - Independent Review into Whistleblowing and Organisational Culture
- 10.4 Independent Review into Whistleblowing Culture (10th February 2022) - [Independent Review into Whistleblowing and Organisational Culture](#)
- 10.5 [Independent Review into Whistleblowing Culture \(25 August 2022\) - Independent Review into Whistleblowing and Organisational Culture.](#)

11. Appendices

- 11.1 Inquiry & Review recommendation progress tracker to August 2023.

Inquiry and Review Recommendations Update (September 2023)

Theme One: Employment Policy

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
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 and strengthened to include declaration of relationships. This was approved at Policy and Sustainability Committee in January 2023.				Q2 2023	Policy approved January 2023, launch and implementation May 2023 Supporting guides for staff Digital learning module Communications
CURRENT POSITION <ul style="list-style-type: none"> Employee Code of Conduct approved by Policy and Sustainability Committee in January 2023 Managing Relationships within the Workplace incorporated within Code of Conduct. A supporting user guide for colleagues developed to inform employees of their responsibilities and advising managers on how to manage these situations. Guidance in relation to this was launched alongside the Code of Conduct in May 2023. A communication plan commenced on 27 April 2023 advising people leaders of refreshed Leadership pages on Orb and confirming launch dates of Behaviours and Code of Conduct policy. All people leader sessions to launch Behaviours took place in April 2023 then live to all colleague's during May 2023. 468 people leaders and 929 colleagues have attended a session. The Employee Code of Conduct was launched on 10 May with communications through Chief Executive vlog, Managers' News, News Beat, Colleague News (sent to those who subscribe to receive email to their personal address), Orb updated and candidate portal pages, as well as A5 printed copies of the Code which has been distributed in our fleet vehicles as well as to on-site colleagues. A printed 'Our Culture' leaflet which includes key messaging and links to the Code of Conduct is being circulated to frontline colleagues in August/September 2023. 							
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 and Sustainability Committee in March 2022. Digital training for managers launched in June 22, revised module for all colleagues due March 23.				Q3 2023	Policy approved January 2023, launch and implementation May 2023 Supporting guides for staff Digital learning module Communications
CURRENT POSITION <ul style="list-style-type: none"> Employee Code of Conduct approved by Policy and Sustainability Committee in January 2023 Managing Relationships within the Workplace incorporated within Code of Conduct. A supporting user guide for colleagues developed to inform employees of their responsibilities and advising managers on how to manage these situations. Guidance in relation to this was launched alongside the Code of Conduct in May 2023. 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 September 2023. 							
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 and Sustainability Committee in March 2022. Digital training for managers launched June 22, revised module for all colleagues' due quarter 2, 2023.				Q3 2022	Policy approved in March 2022, launch and implementation June 2022 Supporting guides for staff Digital learning module Communications
CURRENT POSITION <ul style="list-style-type: none"> Domestic Abuse Policy 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 September 2023. 							
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)				Q3 2023 Sustainability	Policy approved January 2023, launch and implementation May 2023. Communications Recorded on HR system
CURRENT POSITION <ul style="list-style-type: none"> 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 are required to update an individual's HR record to reflect this. iTrent was updated March 2023 with new field for managers to record on myPeople. This requirement was clearly outlined in the communications for the launch of the Code of Conduct in May 2023. 							

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
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.	The revised Chief Executive and Chief Officer Disciplinary Policy approved in March 2022.				Q3 2022 then Q4 2023	Chief Executive and Chief Officer approved. Heads of Department approved, both launched October 2022 Chief Officials disciplinary policy under review.
CURRENT POSITION							
<ul style="list-style-type: none"> The Chief Executive and Chief Officer Disciplinary policy was approved by Council in June 2022 and launched October 2022. A wholly revised Chief Officials Discipline policy is currently being prepared. In March 2022, Committee approved the implementation of the Gold Book when managing disciplinary investigations involving Chief Executives/Officers. This process is being developed into a Policy for approval by the Policy and Sustainability Committee following appropriate consultation. 							
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.				Q4 2023	Policy and toolkit under development. Digital learning module ready for launch Communications ready for launch
CURRENT POSITION							
<ul style="list-style-type: none"> Included in refreshed policy, toolkit and digital learning module and will be highlighted in communications to all colleagues. A focus for early resolution will be included in Policy into Practice and Spotlight Conversation sessions delivered by Learning and Development. A separate 1 hour in person pilot session was piloted to HR/Leadership network on 18 May 2023 for feedback, thereafter to early adopters then all People leaders in July 2023. The revised Whistleblowing Policy is under review and will go to Policy and Sustainability October 2023, following consideration by CLT and discussion between GRBV members and the Trade Unions. 							
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.	To be incorporated into IA planning cycle.				Q2 2022	Internal Audit Plan Historic cases review
CURRENT POSITION							
<ul style="list-style-type: none"> To be included in 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.				Q4 2023	Policy and Toolkit Digital Learning Modules
CURRENT POSITION							
<ul style="list-style-type: none"> Included in the new Whistleblowing policy and toolkit which will be presented to Policy and Sustainability Committee in October 2023 following consideration by CLT and discussion between GRBV members and the Trade Unions 							
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 and 9.1.10.				Q2 2023	Policy and Toolkit Digital Learning Modules Communications Recorded on HR system
CURRENT POSITION							
<ul style="list-style-type: none"> 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 are required to update an individual's HR record to reflect this. iTrent was updated March 2023 with new field for managers to record on myPeople. 							
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.				Q4 2023	
CURRENT POSITION							
<ul style="list-style-type: none"> Included in the new Whistleblowing policy and toolkit which will be presented to Policy and Sustainability Committee in October 2023 							

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
11	Further Council recommendation (the Inquiry): 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.	To review: Code of conduct, Violence at work; Alcohol, drugs and substance; Avoidance of Band H Grievance (Personnel Appeals Committee) Local Government Employees; Avoidance of Bullying and Harassment (plus Personnel Appeals Committee) Teachers; Disciplinary (Personnel Appeals Committee) Local Government Employees; Disciplinary (Personnel Appeals Committee) Teachers; Disciplinary (Chief Executive/Chief Officers).				Q2 2022 – Q3 2023	PID for Review Project IIA for Review Project Project Plan for each policy Policy/Toolkit for each policy Digital Learning modules Policy launch and implementation
<p>CURRENT POSITION</p> <ul style="list-style-type: none"> • 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 Nominated Officers and Investigation Officers to complete a Declaration of independence from the outset. • Revised Disciplinary for CEO/Executive Directors now in place. • Code of Conduct approved in January 2023, launched directly after Our Behaviours launch in May 2023 • Alcohol, Drugs and Substance Misuse was approved in May 2023 and launched on 3 July 2023. • Protecting Colleagues from Unacceptable Behaviour approved in August 2023 • Grievance Policy approved in August 2023. • Outstanding policies for review include: <ul style="list-style-type: none"> ○ Revised Chief Officers Disciplinary Policy currently under review. ○ Whistleblowing Policy currently under review ○ A 'Speak up' communications campaign is currently planned to engage and support colleagues about the value of early resolution, having good conversations, recognising unhelpful and unacceptable behaviour, building safety and security to speak up and clarifying the different ways in which colleagues can speak up if they choose to do so. 							

Theme Two: Investigations

Ref	Recommendation / Observation	Council Response	Completed	Underway	Not yet started	Quarter	Evidence
1	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> The Investigations Team has been operational since October 2022. The investigation unit was introduced to colleagues by Chief Executive vlog, Managers News email, News Beat and Colleague News and email to personal email addresses in December 2022. All relevant matters are referred externally to the Police and other agencies (e.g SSSC) as required. 	The creation of an internal Investigatory Unit and new "front door" for HR matters and WB.				Q3 2022	Establishment of Investigations Unit
2	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> As per 9.1.1. Will be included in Internal Audit Plan. 	See 9.1.1.				Q3 2022	Establishment of Investigations Unit Internal audit
3	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> All such matters are already referred to the Monitoring Officer for information prior to an investigation commencing. Triage undertaken to ensure correct policy and process followed. The Monitoring Officer's Team, the Investigation Team and the Human Resources Team meet regularly to consider lessons learnt, trends and training/briefings for Managers. 	This will be included in relevant Policies and processes.				Q3 2023	Whistleblowing process project plan Policy and Toolkit Notes/emails of escalation Recording system.
4	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> Declaration of independence form completed by all Investigation Officers 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. 	Not applicable. See 9.1.1.				Q3 2022	Training materials Seminars Templates to ensure consistency. Declaration of independence

Ref	Recommendation / Observation	Council Response	Completed	Underway	Not yet started	Quarter	Evidence
5	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> Implemented 	See 9.1.1 for Investigatory Officers.				Q3 2022	Investigation Team established September 2022 and fully operational. Investigation Team maintain tracker with data on all cases/timescales
6	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> The new Whistleblowing policy will confirm 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 following approval of the new policy. 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, with action taken as appropriate as a result. 	This will be put in place				Q4 2023	Policy and Toolkit Whistleblowing process Project Plan
7	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> Centralised Investigation Team prevents the need this as part of new investigation process. 	Not applicable. See 9.1.1.				Q3 2022	Evidence of allocation of Investigating Officers to cases
8	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> Implemented 	Unlikely to be regularly required for Investigatory Officers (see 9.1.1). Will be included in process for Nominated Officers.				Q1 2022	Declaration of independence retained with all investigations.
9	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> Implemented 	Design standard agreed scope documentation. Agree protocol for sharing and timelines. Will be responsibility of Investigatory team.				Q3 2022	Copies of the documentation Investigation templates already in place
10	<p>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).</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> Implemented. Functionality of Safecall portal allows communication with whistleblower even if they wish to remain anonymous. 	Part of Safecall role, together with Investigatory team.				Q3 2022	Correspondence Safecall portal

Ref	Recommendation / Observation	Council Response	Completed	Underway	Not yet started	Quarter	Evidence
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	Policy and associated committee reports
	CURRENT POSITION <ul style="list-style-type: none"> 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.					Q1 2023	Training materials Seminars
	CURRENT POSITON <ul style="list-style-type: none"> 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	Consistency of approach by IO's Training materials/templates Seminars Quality Assurance by Head of Service and Team Leader
	CURRENT POSITION <ul style="list-style-type: none"> Implemented 						
14	Further Council recommendation (the Inquiry): That in delivering the Inquiry Recommendations, the Chief Executive consider expanding the scope of the special investigation 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.	The Investigatory Officer team is responsible for all investigations relating to formal processes (Avoidance of Bullying and Harassment, Disciplinary, Grievance and whistleblowing, unless external independent resource is engaged.				Q3 2022	Operating Model Investigation Team in place
	CURRENT POSITION <ul style="list-style-type: none"> 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 important. If a document is draft, it should be clearly marked as draft to avoid any confusion that it may be the final report.	Part of role for Investigatory Officers.				Q3 2022	Documentation Templates Quality Assurance Version control
	CURRENT POSITION <ul style="list-style-type: none"> 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.				Q2 2022 in at Q4 2023	Investigation Team fully trained and operational Reports audited by Team Leader/Unit Manager Whistleblowing process project plan on process
	CURRENT POSITION <ul style="list-style-type: none"> Included in the new Whistleblowing policy, toolkit and digital learning module due to go to Policy and Sustainability in October 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.				Q4 2023	Policy and Toolkit Digital Learning module Communication/launch Check in with Whistleblowers and Trade Union engagement
	CURRENT POSITION <ul style="list-style-type: none"> Included in new Whistleblowing policy, toolkit and digital learning module. Process design incorporated into the Monitoring Officers Team Whistleblowing Project Plan. Existing processes revised to incorporate with enhanced guidance and information on 'What to Expect'. Communications plan in place that will clearly outline the expectations for whistleblowers when policy, toolkit and training is launched. This will be further clarified by the 'Speak Up' campaign to run later in 2023, which will feature dedicated communications and engagement with colleagues to encourage and support the value of early resolution, having good conversations, recognising unhelpful and unacceptable behaviour, building safety and security to speak up and clarifying the different ways in which colleagues can speak up if they choose to do so. 						

Ref	Recommendation / Observation	Council Response	Completed	Underway	Not yet started	Quarter	Evidence
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.				Q2 2022	Quality Assurance by Head of Service and Team Leader
	CURRENT POSITION <ul style="list-style-type: none"> Implemented 						
19	Observation (the Review): CEC should continue to engage an external whistleblowing hotline provider.	Agreed				Q1 2022	Safecall contract in place
	CURRENT POSITION <ul style="list-style-type: none"> Implemented 						
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				Q4 2023	Policy and Toolkit Digital Learning module
	CURRENT POSITION <ul style="list-style-type: none"> 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 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	Policy and Toolkit Digital Learning module Engage via Safecall portal. Safecall report
	CURRENT POSITION <ul style="list-style-type: none"> 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 supported by new policy. 						
22	Observation (the Review): In all cases, the whistleblower should be informed of the investigation's progress and whether their complaint has been upheld or not within 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.				Q4 2023	Policy and toolkit
	CURRENT POSITION <ul style="list-style-type: none"> 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. GRBV receive quarterly status updates on all cases/investigations. 						
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.				Q4 2023	Policy and toolkit
	CURRENT POSITION <ul style="list-style-type: none"> Already in place, included in reports to GRBV. Included in new Whistleblowing Policy. 						

Ref	Recommendation / Observation	Council Response	Completed	Underway	Not yet started	Quarter	Evidence
24	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> The Investigation team ensure that Nominated officers are appraised of this observation. 	This will be considered as part of Policy review/ recommendations. See Policy section.				Q4 2022	Training for PAC
25	<p>Observation (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 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> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> The Whistleblowing policy advises where possible information will be shared in line with GDPR guidelines and recognising any other confidentiality requirements. The whistleblower receives feedback on the outcome via Safecall's portal following closure at GRBV. A facilitated meeting is held as part of the Early Resolution Process. 	Protocol/guidance re sharing of appropriate info re outcome and what is being done to be developed.				Q4 2023	Policy Record of outcome

Theme Three: Leadership, Training and Development

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
1	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> Investigation Team have completed bespoke specialist training with external experts on trauma informed interviewing. Signposting guidance shared with team in relation to support services. 	Not applicable, see Investigations section.				Q3 2022	Training CPD
2	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> 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. Changes made to the Pathway based on initial feedback received. A revised digital module for all colleagues to be rolled out September 2023. To continue to support frontline colleagues to sign up to myLearning Hub (MLH), a range of communications have been sent out through Managers' News, News Beat, Colleague News and as part of the printed Our Behaviours leaflet and some onsite support has been given to colleagues to help them access MLH using their Total Mobile device. Some support sessions have also been offered to small group of supervisors. 	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) Q3 2023 (Roll out to colleagues)	Domestic abuse module rolled out to managers June 2022 Annual refresher Domestic abuse module will be launched to all colleagues September 2023. Communications issued to encourage frontline colleagues to sign up to myLearning hub.
3	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> 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. Changes made to the Pathway based on initial feedback received. A revised digital module for all colleagues has been rolled out August 2023. To continue to support frontline colleagues to sign up to myLearning Hub (MLH), a range of communications have been sent out through Managers' News, News Beat, Colleague News and as part of the printed Our Behaviours leaflet and some onsite support has been given to colleagues to help them access MLH using their Total Mobile device. Some support sessions have also been offered to small group of supervisors. Completion of the digital learning is recorded on my learning hub. When learning is assigned, Line managers have access to a dashboard to monitor completion of role-specific learning their direct and in-direct reports, two levels down. Learning and Development provide summary reports of total completions across the whole organisation. 	Line manager training will be designed and delivered post Committee approval of the revised Domestic Abuse Policy.				Q2 2022 continue Q2 2023	Policy DAART module rolled out June 2022 with Managers' Pathway Tackling Domestic Abuse as a Workplace Issue Updated learning pathway for people leaders to be launched August 2023. Record of annual participation Communicated to all managers. Record on Learning Experience Platform system
4	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> The Whistleblowing digital learning module is being designed and will be rolled out once the policy has been considered by Policy and Sustainability Committee in October 2023. The module aligns with other policies including Disciplinary, Grievance and Bullying and Harassment. The Keeping You Safe Confidential and Compliant was re-designed to include key messages in relation to the Code of Conduct for all colleagues. This module, working in Edinburgh was launched along with the revised policy in May 2023. All candidates are asked to undertake the module prior to starting employment with the Council and people leaders should ensure this has taken place during their induction. A 1 day in person Policy in Practice in person session is available to support people leaders to continue to build working relationships, encouraging openness and trust, The session will also support conversation practice using scenarios which align to different policies. A 1 hour in person Policy in Practice early resolution session is also available to people leaders from July 2023 	This training will be designed / delivery commenced in 2023 following approval of the new policy.				Q4 2023	Policy and toolkit Digital Learning module Policy into practice in person sessions being designed for range of policies and will be made available to people leaders as ready or to support the launch of an updated policy. Record on HR system

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
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 Q4 2023	To be included and monitored as part of elected member induction.
CURRENT POSITION <ul style="list-style-type: none"> The Monitoring Officer's Team is designing a session for members which outlines the whistleblowing process, Members 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 4 of 2023 to coincide with launch of the new policy. 							
6	Recommendation 2 (the Review): Whistleblowing training should be delivered to and attended by all Councillors.	This training will be developed / delivered following policy approval				Q4 2023	Training programme Attendance lists
CURRENT POSITION <ul style="list-style-type: none"> The Monitoring Officer's Team is designing a session for members which outlines the whistleblowing process, Members 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 4 of 2023 to coincide with 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	Grievance policy under review Digital learning module being updated in line with revised Grievance Policy Communications/launch/Orb
CURRENT POSITION <ul style="list-style-type: none"> Policy will be submitted to Policy and Sustainability Committee in August 2023. A digital module will be designed to accompany the new Grievance policy, along with policy and practice sessions for managers. 							
8	Recommendation 7 (the Review): A new whistleblowing communications and training strategy should be put in place and rolled out across CEC.					Q4 2023	Communication on Newsbeat/Colleague News/printed material to frontline colleagues providing them route to sign up for eLearning Hub. Digital Learning module Policy into Practice session
CURRENT POSITION <ul style="list-style-type: none"> 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 by the 'Speak Up' campaign to run later in 2023, which will feature dedicated communications and engagement with colleagues to encourage and support the value of early resolution, having good conversations, recognising unhelpful and unacceptable behaviour, building safety and security to speak up and clarifying the different ways in which colleagues can speak up if they choose to do so. 							
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				Q4 2023	eLearning Hub Policy into Practice sessions Compliance reports for ELH Records of in person training on HR system
CURRENT POSITION <ul style="list-style-type: none"> Reference to previous Vlogs by Chief Executive and Monitoring Officer and communications post Inquiry and Review 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. 							

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
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.				Q4 2023	Digital learning module Policy into practice in person sessions Communications Speak up Supporters Orb page. Safecall website
CURRENT POSITION <ul style="list-style-type: none"> A Whistleblowing Digital Module has been designed for all colleagues and additional guidance 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 have been designed for managers– Whistleblowing will be included in tandem with new policy launch. Included in communications to date when referring to whistleblowing and Speak Up campaign and Supporters will reiterate this message. 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	Member officer protocol agreed. Legal Services delivered training for Elected Members/SLT and relevant officers Apr/May 2023
CURRENT POSITION <ul style="list-style-type: none"> Legal services carried out training on 23/24 March and 20 April 2023 to Elected Members and SLT, Legal services and Housing officers. Refresh sessions will be offered periodically and after each local election. 							
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 into Q3 2023	Communications Strategy Digital learning module Policy into practice in person sessions Speak up Supporters Orb page and Safecall website
CURRENT POSITION <ul style="list-style-type: none"> 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. The 'Speak up' communications plan ensures regular touch points with managers and colleagues. The plan will introduce the Speak Up Supporters and instructions for colleagues on how to contact them and what for will be delivered in October 2023. This will be further clarified in October during the launch of the Grievance policy and again in November during the launch of Whistleblowing which will feature dedicated communications and engagement with colleagues to encourage and support the value of early resolution, having good conversations, recognising unhelpful and unacceptable behaviour, building safety and security to speak up and clarifying the different ways in which colleagues can speak up if they choose to do so. 							
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.				Q4 2023	Digital learning module Policy into practice in person sessions Governance group to establish essential learning for managers and monitor.
CURRENT POSITION <ul style="list-style-type: none"> Policy into Practice sessions have been designed for managers, whistleblowing will be included, and these will be ongoing. Disciplinary digital learning launched with revised policy in Autumn 2022. Communications were issued to colleagues via Managers' News on 3 October 2022, 16 November 2022 and 30 November 2022. Encouragement to colleagues to read new policies was included in Chief Executive's vlog. A Governance group for Essential Learning was created and commenced in June 2023. This group will consider refresher learning timescales for core essential learning and meet on a quarterly basis thereafter. A digital module will be designed to accompany the new Grievance policy. Policy into Practice sessions for managers will include Grievance. 							
14	Observation (the Review):The Review Team has examined the investigations training offered by CEC to some of its Investigating Officers and 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	Investigation team in place to carry out all investigations.
CURRENT POSITION <ul style="list-style-type: none"> Investigations team have received bespoke specialist training. 							

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
15	<p>Observation (the Review): 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 encourage the raising of concerns.</p>	Whistleblowing, including Public Interest Disclosures, training will be revised and rolled out. Proposal to be further developed on triage process.				Q3/2023	Policy and toolkit Digital learning module Policy into practice in person training Speak Up Supporters
<p>CURRENT POSITION</p> <ul style="list-style-type: none"> • 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. A separate 1 hour in person session on Early Resolution was rolled out to HR/Leaders Network on 18 May 2023, thereafter, offered to early adopters/all People Leaders from July 2023. The new 1-day leadership development session has a focus on how to have necessary conversations across a range of topics encouraging empathy, openness and transparency. Speak Up Supporters will be launched in quarter 3 of 2023. 							

Theme Four: Systems/Processes

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
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 2023 - 2024	Report to Council/Finance and Resources HR System records IO reports Governance records
<p>CURRENT POSITION</p> <ul style="list-style-type: none"> Report on new HR system procurement was approved at a special Finance and Resources Committee on 10 March 2023. 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). Relevant issues are flagged to the Monitoring Officer as they arise. 							
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.				Q4 2024	Governance records IO reports Report to GRBV (as required) Training for managers required re how to recognise, record and escalate such disclosures
<p>CURRENT POSITION</p> <ul style="list-style-type: none"> 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 a sub-committee). Agreement to be reached on how records will be kept on the new CEC HR system and records will be retained by Investigations unit/Safecall/Case Management team. 							
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.	This requires system functionality build.				Q4 2024	Policy and toolkit Records retention guidance Governance records.
<p>CURRENT POSITION</p> <ul style="list-style-type: none"> 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. Agreement needs to be reached on how records will be kept on the new CEC HR system so that records will be retained by Investigations unit/Safecall/Case Management team. 							
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	Declaration form/conflict of interests
<p>CURRENT POSITION</p> <ul style="list-style-type: none"> 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	Training records CPD
<p>CURRENT POSITION</p> <ul style="list-style-type: none"> 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. 							

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
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	Note takers in post
	CURRENT POSITION <ul style="list-style-type: none"> 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	Evidence of scheduled meetings Action logs
	CURRENT POSITION <ul style="list-style-type: none"> 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).				Q4 2023	
	CURRENT POSITION <ul style="list-style-type: none"> 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 Sept 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	Dashboard data and information Numbers of interviews
	CURRENT POSITION <ul style="list-style-type: none"> 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	Tool Deployment Analysis of feedback
	CURRENT POSITION <ul style="list-style-type: none"> 360 feedback tool was rolled out to SLT in February 2023, 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. Procurement process commenced May 2023. 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.				Q3 2023	HR system
	CURRENT POSITION <ul style="list-style-type: none"> 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 November 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 Monitoring Officer's 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 will be given to the design of the triage options				Q4 2023	Policy/Toolkit
	CURRENT POSITION <ul style="list-style-type: none"> 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. 						

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
13	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> 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. 	This will be considered as part of implementation of n whistleblowing policy and process, in consultation with Safecall.				Q4 2023	Policy/Toolkit
14	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> 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 Autumn 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 	Whistleblowing Policy to be revised. Engagement with Safecall to discuss required.				Q4 2023	Investigation report Revised reports to Elected Members Policy and toolkit
15	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> The revised KPIs will be reflected in the revised reporting requirements that will commence November 2023. 	Agree new KPIs with Safecall and consider consequences.				Q4 2023	KPIs agreed with Safecall.
16	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> In place. The Monitoring Officer’s team maintain this information and provide it to GRBV as part of the regular reporting. 	Need to agree process with Safecall.				Q4 2022	In place Reports to GRBV
17	<p>Recommendation 23 (the Review): A senior colleague in every service area should be appointed as a Whistleblowing Supporter (including time to do the tasks).</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> A dedicated communications introducing the Speak Up Supporters and instructions for colleagues on how to contact them and what for will be delivered in October 2023. This will be further clarified when Grievance Policy is launched in October and again when Whistleblowing Policy is launched in November 2023. It will feature dedicated communications and engagement with colleagues to encourage and support the value of early resolution, having good conversations, recognising unhelpful and unacceptable behaviour, building safety and security to speak up and clarifying the different ways in which colleagues can speak up if they choose to do so. 	Services to identify 2 whistleblowing supporters per Directorate. Training to be given with clear expectation and terms for the role. Regular meetings to be set up with WB Supporters, Service Director HR, and MO.				Q4 2023	Recruitment complete Induction complete Training programme underway

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
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	All disclosures made to Governance referred to Safecall.
CURRENT POSITION <ul style="list-style-type: none"> In place as detailed in current policy. Included in the revised Whistleblowing policy, toolkit and 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	Reports to GRBV
CURRENT POSITION <ul style="list-style-type: none"> 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.				Q1 2023	Workshop materials
CURRENT POSITION <ul style="list-style-type: none"> This was agreed at Full Council on the 9 February 2023 and the sub-committee met for the first time on 22 May 2023. 							
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.				Q4 2023	Policy, Toolkit and digital module Support provided from outset by Monitoring Officers team and Investigation Team
CURRENT POSITION <ul style="list-style-type: none"> 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 supporters will also inform of process. Information on all supports available is included in all documentation and guidance provided to whistleblowers and others involved in investigations. 							
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.				Q4 2023	Policy, Toolkit and digital module Protocol
CURRENT POSITION <ul style="list-style-type: none"> Expectation Management Protocol included in Whistleblowing policy, toolkit and digital learning module. The Monitoring Officer's team are designing the Process as part of the Whistleblowing Project Plan to ensure requirements in place by November 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	Quality assurance of notes Recruitment of note takers
CURRENT POSITION <ul style="list-style-type: none"> Recruitment of notetakers 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	Orb access for all colleagues Communications
CURRENT POSITION <ul style="list-style-type: none"> The Orb Gateway project was approved at committee in January 2023. Communications went out in June 2023 to 1500+ colleagues who were already registered for all colleague communications, a further 2300+ letters were issued to all other colleagues without a Council email address providing them information and guidance on how to register. 							

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
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.				Q4 2023	To be included as part of essential learning for managers
CURRENT POSITION <ul style="list-style-type: none"> Included in Whistleblowing policy, toolkit and digital learning module. The Monitoring Officer's Team is designing the Process as part of the Whistleblowing Project Plan to ensure requirements in place by November 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.				Q4 2022	Agreed as part of new CE and CO Disciplinary Policy Policy
CURRENT POSITION <ul style="list-style-type: none"> 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 policy in place
CURRENT POSITION <ul style="list-style-type: none"> The existing policy is currently in place and being used as required. 							
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 applied re WB or other investigations; Consider outsource in such a scenario.				Q4 2022	Member officer protocol agreed. Legal (KMCK) delivering training for Elected Members/SLT and relevant officers Apr/May 23
CURRENT POSITION <ul style="list-style-type: none"> 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.	-				Q4 2022	Member officer protocol agreed. Legal Services delivered training for Elected Members/SLT and relevant officers April/May 2023
CURRENT POSITION <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> 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	In place but additional consideration will be given as part of policy review and case review between WB, Legal and HR
CURRENT POSITION <ul style="list-style-type: none"> Already implemented. 							

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
32	Observation (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.				Q4 2023	
CURRENT POSITION <ul style="list-style-type: none"> Included in Whistleblowing policy. In place within Managing customer contact in a Fair and Positive Way, this policy will be included in the new Protecting Colleagues from Unacceptable Behaviour 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.				Q4 2023	GRBV reports
CURRENT POSITION <ul style="list-style-type: none"> It is proposed that GRBV will receive a regular 6 monthly update report noting relevant adverse regulator decisions. 							
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.				Q4 2023	Evidence of Service area action plans
CURRENT POSITION <ul style="list-style-type: none"> The Monitoring Officer's 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 Governance and Assurance process to go back to GRBV in quarter 4 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.				Q4 2023	Policy and Toolkit
CURRENT POSITION <ul style="list-style-type: none"> Already implemented in practice and is included in the new Whistleblowing policy and 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.				Q4 2022	
CURRENT POSITION <ul style="list-style-type: none"> 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	Evidence of training material/attendees –
CURRENT POSITION <ul style="list-style-type: none"> 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	Evidence base to be agreed
CURRENT POSITION <ul style="list-style-type: none"> This is reviewed on a case-by-case basis. 							

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
39	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> This is already in place and forms part of the regular updates to GRBV. 	See Recommendation 22.				Q1 2023	Quarterly reports
40	<p>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).</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> 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 November 2023. This has already been used in practice on an ad hoc basis but will be a component part of the case record, which will be accessible to GRBV members, going forward. 	<p>Protocol to be developed between Safecall, MO and CSWO.</p> <p>Feedback on methodology used to be fed back to whistleblowers where appropriate as part of revised Policy.</p>				Q4 2023	<p>Covered in policy and needs to be case by case scenario. Expectation management protocol, whistleblowing policy, training and toolkit</p> <p>Immediate actions taken in relation to public safety etc are already highlighted in GRBV whistleblowing reports.</p>
41	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> The position regarding running matters concurrently is included in Whistleblowing toolkit. 	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.				Q4 2023	Evidence base to be agreed
42	<p>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.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> Already implemented. Member/Officer protocol agreed at Council on 25th August 2022 	Process for responding to councillor queries and information provision to be looked at again.					Member/Officer protocol
43	<p>Observation (the Review): Regular promotion of whistleblowing by managers and through other communications is essential.</p> <p>CURRENT POSITION</p> <ul style="list-style-type: none"> 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 campaign to run later in 2023, which will feature dedicated communications and engagement with colleagues to encourage and support the value of early resolution, having good conversations, recognising unhelpful and unacceptable behaviour, building safety and security to speak up and clarifying the different ways in which colleagues can speak up if they choose to do so.. 	This can be built into communication plans.				Q4 2023	New Comms Post will develop comms plans for all themes. Manager's News, Orb, Colleague News, WLT

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
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	WB workshop held with GRBV
CURRENT POSITION <ul style="list-style-type: none"> Already Implemented in current report format but will be a component part of the case record that will be accessible to GRBV members for future reporting. 							
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.					Come up with protocol that works for CEC
CURRENT POSITION <ul style="list-style-type: none"> No appetite for such a protocol from other local authorities. Monitoring Officer 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.				Q4 2023	
CURRENT POSITION <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> Currently in practice and applied on a case-by-case basis. Included in new Whistleblowing policy. 							

Theme Five: Other

Ref	Recommendation/observation	Council response	Completed	Underway	Not yet Started	Quarter	Evidence
1	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.					Best Value being implemented. People Board. Joint group members and senior officers
	CURRENT POSITION <ul style="list-style-type: none"> This is being implemented through governance of Best Value. Joint group members and senior officers will oversee implementation of Best Value. 						
2	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	Ended March 2023
	CURRENT POSITION <ul style="list-style-type: none"> The Redress scheme was launched on 5 September 2022, independently managed by Pinsent Masons. The scheme ended on 4th March 2023 as planned. A communication was issued to all online colleagues in February 2023 confirming the closure date of the scheme and advising the deadline for claims through Managers' News, News Beat and Colleague News 						
3	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	Investigations unit I and R financial investment in resource
	CURRENT POSITION <ul style="list-style-type: none"> Investigations Team set up October 2022, all investigations are now undertaken by trained Investigating Officers. 						
4	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 – Q4 2023	Rolled out to CLT February 2023
	CURRENT POSITION <ul style="list-style-type: none"> 360 feedback tool commenced with Senior Leadership Team in February 23 to be completed by December 2023. Analysis of feedback to SLT will be provided by an external supplier and analysis of feedback to all other managers will be provided in-house. 						
5	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 review of historic cases by both audit and legal continues, as agreed in the approved 2023/24 Internal Audit Plan. This work is expected to conclude by the end of January 2024 and outcomes will be reported to the Governance, Risk and Best Value Committee following this.
	CURRENT POSITION Review is ongoing						
6	Observation: Apologies in relation to Case Study 2.	This will be dealt with as part of settlement discussions.					
	CURRENT POSITION <ul style="list-style-type: none"> This matter is concluded. 						
7	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					
	CURRENT POSITION <ul style="list-style-type: none"> This matter is concluded. 						
8	Elected member Reference Group	A motion to cease this group was rejected at Council on 9 February 2023					
	CURRENT POSITION <ul style="list-style-type: none"> This matter is concluded. 						