

Meeting:	Audit and Governance Committee	Date:	28 February 2013
Subject:	Investigation Report		
Report Of:	Monitoring Officer		
Wards Affected:	All		
Key Decision:	No	Budget/Policy Framework:	No
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Appendices:	None		

FOR GENERAL RELEASE

1.0 Purpose of Report

- 1.1 To consider the governance issues arising out of a series of anonymous allegations against Members and Officers of the Council.

2.0 Recommendations

- 2.1 Audit and Governance Committee is asked to **RESOLVE:**

- a) that the report be noted;
- b) that the Council's whistleblowing policy be reviewed, in consultation with staff and trades unions, to make it clear that the Council has the right not to investigate anonymous allegations which appear frivolous or malicious and are unsupported by credible evidence;
- c) to request that the Chief Executive and Monitoring Officer commission a review of the Council's corporate governance arrangements, as part of a peer review process during 2013/14.

3.0 Background and Key Issues

- 3.1 In October and November 2012, the Council received a series of anonymous letters making a range of allegations against Members and Officers of the Council.
- 3.2 The Council's whistleblowing policy provides that when concerns about what is happening at work are notified to the Council, the Council has a responsibility to investigate the matter. The policy also states that it is much more difficult to look into matters raised anonymously but that the Council will still consider anonymous reports
- 3.3 The Committee should be aware that the content of some of the anonymous letters could amount to criminal offences of harassment (under the Protection from

Harassment Act 1997) or malicious communications (under the Malicious Communications Act 1988) and, for this reason, Gloucestershire police have been provided with copies of the anonymous letters to enable appropriate investigation and action to be taken against the senders, if identification of the senders is possible. The Committee should also be aware that the Council's Whistleblowing policy would provide protection for staff raising serious concerns at work, without leaving staff open to prosecution under these Acts.

- 3.4 The Committee is asked not to underestimate the impact of these allegations on the individuals concerned, including their families, some of whom have been sent copies of the allegations directly. The distress and upset caused to individuals and their families has been significant and many are, understandably, angry about their professional conduct being called into question.
- 3.5 Investigation into the allegations has been carried out both internally and externally. Due to the anonymous nature of the allegations, it has not been possible to contact those making the allegations to obtain any further evidence or facts to support the allegations made. The conclusions of both investigations are that there is no evidence to substantiate the allegations made and that the allegations are unfounded, unfair and, to a greater or lesser extent, malicious and appear to be designed to cause anger, upset, distress and embarrassment to the individuals concerned. It would also appear that some of the allegations have been designed to cause upset to the individuals' families, where copies of the allegations have been sent directly to members of an individual's family.
- 3.6 Notwithstanding the broad conclusions reached, there are some issues arising from the investigations that merit action. Given the difficulty in investigating anonymous allegations, the Committee is asked to consider a review of the whistleblowing policy, in consultation with staff and trades unions, to make it clear that the Council has the right not to investigate anonymous allegations which appear frivolous or malicious and are unsupported by credible evidence. Whilst this is the approach that would normally be adopted by the Council, the policy could more clearly state that this is the approach taken. This will enable the Council to ensure that its resources are used appropriately and that only credible allegations are investigated.
- 3.7 Some Councils refuse to accept anonymous allegations at all. It is not suggested that this is the route to take, as it may be that good reasons exist for anonymous allegations which should be investigated, but the policy should be redrawn. The consequence to the Council of the "scurrilous" allegations made in these letters has been severe.
- 3.8 Matters such as this inevitably cause disruption within a council, which needs to be dealt with. This, and some of the recommendations in the reports themselves have given rise to the view that a review of the Council's corporate governance arrangements would be beneficial. It is therefore suggested that the peer review planned for this year, and which is already being discussed by the Leader and Chief Executive, should include a review of the Council's corporate governance arrangements.
- 3.9 Issues with reporting of sickness levels were identified by the investigations. These reporting issues have since been resolved. The Committee is asked to note that robust management of sickness has continuously been taking place,

notwithstanding the issues with reporting on sickness arising from a short term issue due to the transfer of the Council's payroll system.

4.0 Alternative Options Considered

4.1 There are no alternative options available in respect of this matter.

5.0 Reasons for Recommendations

5.1 As part of the investigation, corporate governance issues have been identified which merit consideration and action by the Council.

6.0 Future Work and Conclusions

6.1 Dependent on the decisions made by Audit and Governance Committee, action will be taken to address the issues identified in the report and recommendations.

7.0 Financial Implications

7.1 There are no direct financial implications arising out of this report.

(Financial Services have been consulted in the preparation this report.)

8.0 Legal Implications

8.1 The anonymous allegations made relate to individuals within and outside the organisation. Data protection legislation governs how information relating to individuals can be dealt with by the Council and this report has been prepared taking into account the Council's data protection obligations and responsibilities towards those individuals.

(Legal Services have been consulted in the preparation this report.)

9.0 Risk & Opportunity Management Implications

9.1 It is important that the Council carries out appropriate investigations where any allegations are made about wrongdoing at work

10.0 People Impact Assessment (PIA):

10.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

11.0 Other Corporate Implications

Community Safety

11.1 There are no Community Safety implications arising out of this report.

Sustainability

11.2 There are no sustainability implications arising out of this report.

Staffing & Trade Union

11.3 There are no staffing or Trade Union implications arising out of this report.

Background Documents: Gloucester City Council Whistleblowing Policy