

## Equality Impact Assessment (EqIA) for Policies, Procedures and Services

<b>Proposal name</b>	<b>Confidential Reporting (Whistleblowing) Policy</b>		
<b>Directorate</b>	Resources & Transformation		
<b>Service</b>	HR Strategy & Planning		
<b>Responsible Officer</b>	Nicola Rickhuss / Rebecca Lloyd		
<b>Proposal planning start</b>	July 2021	<b>Proposal start date (due or actual date)</b>	April 2022

1	What is the purpose of the proposal?	Yes / No	New / revision
	Policy	Yes	Revision
	Procedure	No	N/A
	Guidance	No	N/A
	Is this a service to customers/staff/public?	No	N/A
	If yes, is it contracted or commissioned?	No	N/A
	Other - give details	N/A	N/A

<b>2</b>	<p><b>What is the business case for this proposal? Please provide the main purpose of the service, intended outcomes and reasons for change?</b></p> <p>In order to ensure the Council is enabled to deliver against its priorities it is imperative that the council has an effective employment framework of policies, procedures and guidance and that these align to the vision and values of the Council.</p> <p>The purpose of the policy is to maintain the highest standards of openness, honesty and accountability by requiring everyone to report appropriate concerns. This whistleblowing policy plays a key part in maintaining those standards by requiring everyone to report appropriate concerns, a specific obligation for all employees in line with the Code of Conduct for Employees/Workers.</p> <p>The confidential reporting (whistleblowing) policy enables staff and members to raise concerns about any financial or other malpractice in the council without fear of being subject to victimisation or discrimination for whistleblowing.</p> <p>The Confidential Reporting Policy was last reviewed in 2019 and its application and controls have since been subject to an audit report (March 2021) which found limited assurance in system design and controls.</p> <p>Overall the main changes to the policy are:</p> <ul style="list-style-type: none"> <li>• Updated wording in the policy and form to include non-employees (suppliers/contractors) as the audit commented that the policy focussed on employees.</li> <li>• Updated wording in the policy to confirm that where there are employment/disciplinary concerns HR must be contacted.</li> </ul>
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- Addition of a process flowchart (new appendix 1)
- Inserted reference to covering up wrongdoing is itself a disciplinary offense (5.1.6)
- An additional phase at the start of the process whereby managers are encouraged to actively consider the disclosure in accordance with the policy before confirming progress of investigation under the confidential reporting policy (5.2.1)
- Clarification on process if the disclosure concern relates to a Director, Executive Director or the Chief Executive (5.2.8 & 5.2.11)
- The process for appointment of external investigators (5.2.9) - recommended in the audit report.
- Inserted reference to raising matters with statutory bodies (5.3.2)
- Monitoring of concerns and actions agreed by CMT was raised in the audit report and following further discussion was deemed to be an excessive requirement. Therefore a more specific and controlled process (using a CRP logging sheet) has been introduced to improve the controls regarding the logging of disclosures to the Monitoring Officer and the introduction that a summary of disclosures (numbers, types and outcomes) be regularly reported through to Audit Committee, providing both Audit Committee and CMT with an overview of Whistleblowing concerns and the ability to identify and investigate what might appear to be either major concerns or systemic issues (5.2.8 & 6.4).

### 3 Who is the proposal likely to affect?

People in Walsall	Yes / No	Detail
All	No	The policy applies to all council employees (including Directors, Executive Directors, the Chief Executive and fixed term and temporary employees).  It also applies to other workers, such as casual workers, agency workers, supply workers, trainees, interim workers and contractors/suppliers.  In addition this policy applies to council employees who work in council maintained schools.
Specific group/s	No	
Council employees	Yes	
Other (identify)	Yes (all workers & contractors / suppliers)	

### 4 Please provide service data relating to this proposal on your customer's protected characteristics.

As of 31 March 2021 the total number of Walsall Council employees (excluding Schools) were 3079.

The Council's workforce is made up of 67.55% females. 22.22% of the workforce are classified as under-represented ethnic groups (i.e. those excluding White British ethnicity). In total there were 137 employees (4.45% of the workforce) who declared they had a disability, as defined by the Equality Act 2010.

Of Walsall Council employees 3.12% are in the age group under 25, 24.42% in age

group 25-39, 25.43% are in the age group 40-49, 43.30% are in the age group 50-64, and 3.73% are in the age group 65 and over.

**5 Please provide details of all engagement and consultation undertaken for this proposal. (Please use a separate box for each engagement/consultation).**

Specialist areas within the council were consulted at the draft stage to ensure that standards and details within the Confidential Reporting Policy were in line with current protocols. Managers who were consulted at this stage included Finance, Legal, and Audit

The draft Confidential Reporting (Whistleblowing) Policy was consulted on with the Senior Managers Group across the council and Trade Unions between the 02/11/21 and 25/11/21. Further meetings were held with key stakeholders including legal and audit.

Comments from consultation lead to minor changes / clarification of wording within the policy.

Other comments from both the managers and trade unions related to dealing with whistleblowing concerns related to the Chief Officers and Chief Executive, which lead to a rewording for clarification.

The Trade Unions did not agree with the list in section 2.4 as being out of scope of the policy recommending that they should all be in scope. However these are personal matters and generally not in the public interest. Where a concern does legitimately meet 3.3 (public interest) it can be considered under this policy. Where not in the public interest it would be redirected to the most appropriate policy.

The policy will be submitted to CMT on 07/04/22 followed by Personnel Committee for approval on 19/04/2022.

Notification of the launch of the new policy will be publicised on Inside Walsall, and managers will be asked to cascade it to employees / workers, especially those without access to the intranet. HR Business Partners will remind managers at their relevant DMT meetings.

**Consultation Activity.**

<b>Type of engagement/consultation</b>	Consultation with wider council via email	<b>Date</b>	02/11/21 to 25/11/21
<b>Who attended/participated?</b>	The Senior Managers Group, Information Governance, Finance, Legal and HR,		
<b>Protected characteristics of participants</b>	A range of protected characteristics including, gender, race, age, disability.		
<b>Feedback</b>	<p>Comments related to dealing with whistleblowing concern related to the Chief Officers and Chief Executive (same comment as from the unions), which lead to a rewording for clarification.</p> <p>Comments related to the process of raising safeguarding concerns.</p> <p>Question why only phone numbers are given and not names/email addresses.</p>		

Question about how cases will be monitored and lessons learnt.

Other minor wording changes / clarification which have been incorporated into the policy.

<b>Type of engagement/consultation</b>	Consultation with Trade Unions via email and briefed at ERF.	<b>Date</b>	02/11/21 to 25/11/21
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<b>Who attended/participated?</b>	Trade Unions representatives ( Unison, GMB and UNITE, as well as the Teachers Associations – NEU and NASUWT)
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<b>Protected characteristics of participants</b>	A range of protected characteristics including, gender, race, age, disability.
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**Feedback**  
 Trade Unions did not agree with the list in 2.4 as being out of scope of the policy. However these are personal matters and not in the public interest. Where a concern does legitimately meet 3.3 it can be considered under this policy, but where not in the public interest it would be redirected to the most appropriate policy.

Comment related to dealing with whistleblowing concern related to the Chief Officers and Chief Executive (same comment as from the managers), which lead to a rewording for clarification.

Other minor wording changes / clarification which have been incorporated into the policy.

<b>Type of engagement/consultation</b>	Consultation with key stake holders	<b>Date</b>	January-March 2022
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<b>Who attended/participated?</b>	Finance, Audit and Legal
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<b>Protected characteristics of participants</b>	A range of protected characteristics including, gender, race, age, disability.
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**Feedback**  
 On the monitoring / reviewing process – proposal of quarterly snapshot reports to CMT followed by Audit Committee for oversight and identification of any systemic issues requiring further investigation / action has been included in the policy.

**6 Concise overview of all evidence, engagement and consultation**

Formal consultation with senior managers across the council and trade unions raised no concerns in relation to protected characteristics and the proposed changes to the policy.

**7 How may the proposal affect each protected characteristic or group? The effect may be positive, negative, neutral or not known. Give reasons**

<b>and if action is needed.</b>			
<b>Characteristic</b>	<b>Affect</b>	<b>Reason</b>	<b>Action needed Yes / No</b>
<b>Age</b>	Neutral	The policy applies to all employees – no impact foreseen.	<b>No</b>
<b>Disability</b>	Negative	Potential impact on employees who require reasonable adjustments for communication who do not understand the policy e.g. employees with learning disabilities.	<b>Yes</b>
<b>Gender reassignment</b>	Neutral	The policy applies to all employees – no impact foreseen	<b>No</b>
<b>Marriage and civil partnership</b>	Neutral	The policy applies to all employees – no impact foreseen	<b>No</b>
<b>Pregnancy and maternity</b>	Negative	Potential impact for people who are on maternity or paternity leave and are not updated about the revised policy.	<b>Yes</b>
<b>Race</b>	Negative	Potential impact on employees where English is not their first language as they may not understand the policy.	<b>Yes</b>
<b>Religion or belief</b>	Neutral	The policy applies to all employees – no impact foreseen	<b>No</b>
<b>Sex</b>	Neutral	The policy applies to all employees – no impact foreseen	<b>No</b>
<b>Sexual orientation</b>	Neutral	The policy applies to all employees – no impact foreseen	<b>No</b>
<b>Other (give detail)</b>	N/A		
<b>Further information</b>			
<b>8</b>	<b>Does your proposal link with other proposals to have a cumulative effect on particular equality groups? If yes, give details.</b>		(Delete one) <b>No</b>
<b>9</b>	<b>Which justifiable action does the evidence, engagement and consultation feedback suggest you take?</b>		

A	No major change required
B	<b>Adjustments needed to remove barriers or to better promote equality</b>
C	Continue despite possible adverse impact
D	Stop and rethink your proposal

<b>Action and monitoring plan</b>				
<b>Action Date</b>	<b>Action</b>	<b>Responsibility</b>	<b>Outcome Date</b>	<b>Outcome</b>
Day of launch	The policy to be explained/made available to all employees / workers (including those on maternity / paternity leave and long term absence).	Employee's line manager should make themselves available to explain the policy to ensure understanding and offer support to allow individuals to achieve the requirements.	As and when required	
Day of launch	The policy to be explained/made available in other languages on request for employees whose first language is not English.	Appropriate liaison as required with the council's Interpretation, Translation, Transcription and Easy Read (ITTE) service provider.	As and when required	
Day of launch	Alternative formats (audio and Easy Read) for disabled employees to be made available on request.	Liaison as required with the appropriate council procured services; audio formats from Walsall Society for the Blind and Easy Read from the Community, Equality and Cohesion team.	As and when required	

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Update to EqIA	
Date	Detail

**Contact us**

Community, Equality and Cohesion  
Resources and Transformation

Telephone 01922 655797

Textphone 01922 654000

Email [equality@walsall.gov.uk](mailto:equality@walsall.gov.uk)

Inside Walsall: [http://int.walsall.gov.uk/Service information/Equality and diversity](http://int.walsall.gov.uk/Service_information/Equality_and_diversity)