

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer - Resources

Audit Committee: 2 March 2022

**Subject: Public Interest Disclosures and other Internal Audit Investigations
19 August 2021 to 31 January 2022**

1. Purpose

- 1.1 The purpose of this report is to advise Committee of the outcome of investigations into allegations and disclosures in line with public interest disclosure and business irregularities policies received by Internal Audit between 19 August 2021 and 31 January 2022.

2. Recommendations

- 2.1 It is recommended that Members note the content of this report.

3. Background

- 3.1 A disclosure in the public interest is where a concern is raised by a Council employee about a danger or illegality that has a public interest aspect to it. A confidential reporting facility is managed by Internal Audit as part of the WDC Public Interest Disclosure Policy. Internal Audit maintains a central record of all concerns raised under the Public Interest Disclosure Policy. All such disclosures are investigated by Internal Audit, including liaising with Services and HR as appropriate.
- 3.2 Members of the public can also contact Internal Audit to raise issues of concern and such matters are investigated as appropriate, although they are not regarded as public interest disclosures in terms of legislation.

4. Main Issues

Public Interest Disclosure Cases

- 4.1 There were 10 outstanding cases reported in the previous report submitted to committee on 15 September 2021, now progressed as detailed below:

Ref	Date Received	Detail	Status
23/20	12/10/19	Allegation that materials are being misappropriated by a member of staff and sold on.	Final report issued to management with recommendations for improvement.
30/20	5/2/20	Allegation that materials	Complete. Linked

		are being misappropriated by a member of staff and sold on.	investigation – 23/20.
04/21	31/8/20	Allegation that employees within service are using Council vehicles for personal use.	Investigation complete. Allegation unfounded. There was no evidence of personal use of the vehicle by employees.
05/21	8/10/20	Allegation that a child is collected from school in a WDC vehicle.	Referred to service for investigation.
12/21	01/02/21	Complaint against employee regarding use of work vehicle and time spent away from work.	Investigation complete. Due to lack of vehicle tracking information we were unable to fully investigate the allegation. Final report prepared for management with recommendations for improvement. An internal audit review of the vehicle tracking system is currently underway which will include this issue within the scope of the audit.
13/21	05/02/21	Allegations that 2 members of staff are carrying out “homers” in untracked vehicles using WDC materials stolen from other jobs.	Investigation closed. There was insufficient detailed information provided in the referral so we were unable to investigate the allegation.
02/22	19/04/21	WDC operatives using a Council vehicle carrying out work at a private property.	Referred to service for investigation.
04/22	19/07/21	Allegation of theft of material and carrying out rubbish uplifts	Investigation closed. Due to lack of specific detail in the allegation there were insufficient dates and times provided in the enquiry to carry out an investigation.
06/22	09/08/21	Allegation of personal use of a council vehicle by employee.	Due to the lack of vehicle tracking information/log book information we were unable to substantiate the allegation that the employee was using the council vehicle for personal use. We have however made

			some recommendations which will reduce the risk of council vehicles being used by employees for personal use.
08/22	16/08/21	Allegation that employee leaves work early on a regular basis.	Due to the lack of specific details of dates and times in the original enquiry we were unable to fully investigate the allegation. However, a report was issued to management with recommendations for improvement.

4.2 There were 7 disclosures received during the period 19 August 2021 and 31 January 2022 as follows:

Ref	Date Received	Detail	Status
10/22	05/09/21	Allegations of irregularity in recruitment process.	Investigation complete. From to the evidence examined during our investigation we are satisfied that the allegations were unfounded. We have however made some recommendations which if implemented will reduce the risk of similar allegations being made in the future.
11/22	15/9/21	Allegation that a member of staff in an education establishment is involved in substance abuse whilst at work.	Referred to service for investigation.
12/22	17/9/21	Allegation that a member of staff in an education establishment is involved in substance abuse whilst at work.	Linked to 11/22.
14/22	29/10/21	Allegation that HR procedures not being followed in a service.	Investigation undertaken by HR and established that correct process was followed. Allegations unfounded.
15/22	1/12/21	Allegation that an	Ongoing investigation.

		employee attended work with Covid-19 symptoms and subsequently tested positive.	
16/22	3/12/21	Allegations that 2 employees told other employees they have Covid-19 symptoms but are continuing to work.	Referred to management who actioned immediately. There were no concerns identified. Allegation unfounded.
18/22	8/12/21	Allegation that an employee attended work with Covid-19 symptoms and subsequently tested positive.	Linked to 15/22.

4.3 Activity relating to public interest disclosure for recent reporting periods is as follows:

Period	No. of Cases
1 st January 2016 to 30 th June 2016	4
1 st July 2016 to 31 st December 2016	6
1 st January 2017 to 30 th June 2017	1
1 st July 2017 to 31 st December 2017	7
1 st January 2018 to 30 th June 2018	2
1 st July 2018 to 31 st December 2018	3
1 st January 2019 to 30 th June 2019	5
1 st July 2019 to 30 th June 2020	8
1 st July 2020 to 31 st December 2020	4
1 st January 2021 to 18 th August 2021	15
19 th August to 31 st January 2022	7

Other investigations

4.4 A total of 2 cases were received by Internal Audit during the period 19 August 2021 to 31 January 2022 as follows:

Ref	Date Received	Detail	Status
13/22	22/9/21	Allegation that a nursery establishment is employing more staff than is needed to provide service.	Referred to Education Services to investigate. The investigation is complete and found that work is already underway to review levels of demand for service and the resources required. No further action required.
17/22	4/12/21	Allegation that staff from a nursery establishment attended a Christmas party night and mixed with other	Referred to Education Services to investigate. Allegations were unfounded as no Covid-19 regulations

		employees but were not following Covid-19 guidance. Employees have since tested positive and other staff are isolating awaiting test results.	or guidance was breached by employees attending a night out and employees followed Public Health Guidance when responding to positive cases. The Care Inspectorate were informed and the Inspector was satisfied that senior officers followed guidance and applied appropriate action to safeguard children.
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4.5 Activity relating to other investigation cases for recent reporting periods is as follows:

Period	No. of Cases
1 st January 2017 to 30 th June 2017	3
1 st July 2017 to 31 st December 2017	5
1 st January 2018 to 30 th June 2018	5
1 st July 2018 to 31 st December 2018	4
1 st January 2019 to 30 th June 2019	14
1 st July 2019 to 30 th June 2020	8
1 st July 2020 to 31 st December 2020	2
1 st January to 18 th August 2021	1
19 th August to 31 st January 2022	2

5. People Implications

5.1 There are no personnel implications with this report.

6. Financial and Procurement Implications

6.1 There are neither financial nor procurement implications with this report.

7. Risk Analysis

7.1 There are risks to the Council in financial, legal, operational and reputational terms of not providing a service to enable a disclosure in the public interest and to ensure that all public interest disclosure and other concerns raised with Internal Audit are properly investigated.

8. Equalities Impact Assessment (EIA)

8.1 There is no requirement to undertake an equality impact screening.

9. Consultation

9.1 This report has been subject to consultation with appropriate Chief Officers.

10. Strategic Assessment

- 10.1 The Public Interest Disclosure Policy and Business Irregularity Procedures contribute to the Council's strategic priorities by ensuring that early warnings of malpractice may mitigate the extent of financial losses to the Council, contribute to better asset management by utilising employees to manage risks to the organisation's reputation and support fit for purpose services through the continuation and promotion of robust employment practice.

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Laurence Slavin
Chief Officer - Resources
Date: 31 January 2022

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Appendix: None

Background Papers: Public Interest Disclosure Policy agreed by the Corporate Services Committee on 13 August 2014; Business Irregularity Procedures

Wards Affected: All