

WEST DUNBARTONSHIRE COUNCIL

Report by Chief Officer - Resources

Audit Committee: 9 August 2023

**Subject: Public Interest Disclosures and other Internal Audit Investigations
19 January to 18 July 2023**

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 January and 18 July 2023.

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 3 outstanding cases from the previous report to Audit Committee on 15 February which require an update to this meeting.

Ref/ INV	Date Received	Detail	Status
03/ 0123	16/1/23	Allegation that employee was running a business whilst being off sick.	Allegation founded. Report with recommendations issued to management.
04/ 0123	16/1/23	Allegation that employee was on holiday whilst being off sick.	Closed - lack of evidence that fraud or irregularity had occurred. Wellbeing policies are in place to support employees during sickness absences.

09/ 0123	4/1/23	Allegation of unfair recruitment practices.	Full investigation undertaken by the Service. There were no grounds for any formal action to be taken in line with the disciplinary policy however there were areas of leadership and management practices that have fallen below what is expected which will be taken forward.
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4.2 There were 20 new disclosures received during the period 19 January to 18 July 2023 as follows:

Ref/ INV	Date Received	Detail	Status
10/0123 11/0123 12/0123 13/0123	26/1/23	Allegation of bullying, unauthorised use of council resources including vehicles, unsafe working practices and breaches of code of conduct.	Investigation complete. Some allegations founded. Draft report with findings and recommendations issued to management. Some allegations not able to be investigated due to lack of evidence.
14/0123	26/1/23	Alleged fraudulent housing application.	Investigation complete. Found to be a malicious allegation against employee.
15/0223	15/2/23	Allegation of misuse of council vehicle and resources.	Investigation is ongoing.
16/0323 22/0323	24/3/23	Allegation of time wasting by employee during working hours.	Investigation complete. Allegation founded. Report with findings and recommendations agreed with management.
17/0323	15/03/23	Allegation that employees are parked at amenity site reading newspapers during working hours.	Closed - referred to Service. Service Management are undertaking spot checks.
18/0323 07/0523 10/0623	15/3/23	Allegation of misuse of resources and facilities.	Investigation is ongoing.
19/0323	14/3/23	Allegation that employee lied about sickness absence.	Closed - Insufficient information provided in the referral to investigate.
20/0323	14/3/23	Allegation that employee attended external event when should have been at work.	Closed – insufficient evidence available to carry out investigation.
21/0323	15/3/23	Allegation that employee	Investigation is ongoing.

		was off sick but running own business.	
23/0323	24/3/23	Allegation that employee was working overtime when not allowed.	Closed – referred to Service.
01/0423	14/4/23	Allegation of drug misuse whilst at work.	Closed - referred to Service.
02/0423 04/0523 08/0623	25/4/23	Allegation of employees smoking in Council vehicle.	Closed – referred to Service.
03/0523	4/5/23	Allegation of misappropriation of council materials.	Investigation is ongoing.
05/0523	3/5/23	Allegation that management and staff are smoking on premises and using foul language.	Closed - referred to Service.
06/0523	15/5/23	Allegation that employee is selling items on marketplace from work premises.	Allegation founded. Report issued to management with recommendations for improvement.
09/0623 11/0623	13/6/23	Allegation of victimisation.	Investigation is ongoing.
12/0623	1/6/23 29/6/23	Allegation that employee was drunk on duty.	Investigation is ongoing.
14/0723	4/7/23	Allegation that employee was smoking whilst working.	Investigation is ongoing.
15/0723	11/7/23	Allegation of drug use within service.	Closed – referred to Service and HR.
16/0723	13/7/23	Allegation of inappropriate behavior.	Investigation is ongoing.

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

Period	No. of Cases
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 2021 to 31 st January 2022	7
1 st February 2022 to 15 th July 2022	7
16 th July 2022 to 18 th January 2023	5
19 th January to 18 th July 2023	20

Other investigations

- 4.4 There were no other new referrals were received by Internal Audit during the period 19 January to 18 July.
- 4.5 Activity relating to other investigation referrals 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 2021 to 18 th August 2021	1
19 th August 2021 to 31 st January 2022	2
1 st February 2022 to 15 th July 2022	2
16 th July 2022 to 18 th January 2023	5
19 th January to 18 th July 2023	0

- 4.6 A new follow up process has been put in place to ensure recommendations made have been implemented. A service response is expected within 4 weeks of the follow up request. Relevant follow up exercises have now been carried out as follows:

Ref	Date Issued	Detail	Follow Up Status
15/22	2/11/22	Allegation that an employee attended work with Covid-19 symptoms and subsequently tested positive.	All recommendations implemented.

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: 19 July 2023

Person to Contact: Andi Priestman, Shared Service Manager – Audit & Fraud
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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