

<b>Title of Report</b>	Anonymous complaint addressed to Council Members.
<b>Public/Confidential</b>	Public
<b>Summary/purpose of report</b>	To update Council that no Whistleblowing concerns were identified and to endorse the recommendations made.
<b>Recommendations</b>	The Council is asked to endorse the action taken to investigate the anonymous complaint and endorse the recommendations made.
<b>Author</b>	Calum Kennedy, Head of Human Resources
<b>Responsible Officer</b>	Laura Lamb, Acting Director, Workforce Education and Standards
<b>Link to Strategic Plan</b>	<p>The information in this report links to:</p> <p>Outcome 1: <b>Trusted</b> People who use services are protected by a workforce that is fit to practise.</p> <p>Outcome 2: <b>Skilled</b> Our work supports the workforce to deliver high standards of professional practice.</p> <p>Outcome 3: <b>Confident</b> Our work enhances the confidence, competence and wellbeing of the workforce.</p> <p>Outcome 4: <b>Valued</b> The social work, social care and children and young people workforce is valued for the difference it makes to people's lives.</p>
<b>Link to Risk Register</b>	<p>Risk 1: We fail to ensure that our system of regulation meets the needs of people who use services and workers.</p> <p>Risk 2: We fail to ensure that our workforce development function supports the workforce and</p>

	<p>employers to achieve the rights standards and qualifications to gain and maintain registration.</p> <p>Risk 3: We fail to meet corporate governance, external scrutiny and legal obligations.</p> <p>Risk 5: We fail to develop and support SSSC staff appropriately to ensure we have a motivated and skilled workforce.</p>
<b>Impact Assessment</b>	An Impact Assessment (IA) was not required.
<b>Documents attached</b>	None
<b>Background papers</b>	None

## EXECUTIVE SUMMARY

1. An anonymous letter was received identifying concerns in operating practices. These have been assessed and found as not meeting the requirements for Whistleblowing. In substance, the concerns raised are inaccurate and factually flawed.
2. The recommendations (listed below) reflect opportunities for improvement and refinement of existing practices and can be completed within existing resources.

## COMPLAINT

3. An anonymous letter addressed to each Council Member was received on 10 May 2024. The author of the letter identified as a former employee of the SSSC. Their letter raised a range of concerns regarding practices across the organisation mainly relating to staff employment matters, behaviour of managers, Fitness to Practice decisions and culture.
4. As the letter also raised concerns regarding the Interim Chief Executive, amongst others, it was determined that it was not appropriate to follow the normal complaints process but to operate a modified version. Our [Whistleblowing Policy](#) is available to all employees.
5. The Convener, having received advice from Rona King, Council Member and Whistleblowing Champion, issued instruction to Calum Kennedy, Head of Human Resources, to review the letter and to determine:
  - whether they fall under / have already been dealt with by another procedure
  - whether they meet the test for whistleblowing
  - any relevant factual information
  - any advice as to further action.
6. A search was conducted to identify relevant information, documents and any other material that would support the concerns raised. This included staff surveys, exit interviews, published Fitness to Practice data, the Anderson Strathern audit and Council reports.
7. A detailed report was issued to both the Convener and Whistleblowing Champion on 28 June 2024. It was agreed that the report was operational in nature and that any actions should sit with the Executive Management Team rather than Council. This paper summarises the key findings of the report.
8. The anonymous letter raises many concerns that the author says they have direct experience of or has had information shared with them. The author states that they have evidence to support their views but has chosen **not** to provide this evidence. Whether they have evidence is unknown. Evidence that supports their views has not been found.

9. The author has provided a partial description of the concerns they list. At times, their description is substantially incorrect and for other situations highly relevant information was not provided (possibly due to the author being unaware of it). Due to the identity of the author being unknown and uncontactable we cannot clarify their position or our position with them.
10. The author may have relevant evidence, information or context that we have not been able to source. Ultimately, they have chosen not to share this with the organisation at this time and decisions are made based on the available information. The evidence available does not support the author's position.

## **OUTCOME OF THE INVESTIGATION**

11. **None** of the concerns raised meet the statutory definition of whistleblowing due to (variously):
  - an absence of evidence to support their position as worker
  - a lack of reasonableness regarding their belief
  - a lack of evidence that they are raising the concern in the public interest.

Further, almost all of the concerns raised fail to meet any of the statutorily defined situations either due to not being appropriate subjects or due to factual inaccuracy.

12. **None** of the concerns raised were found to be evidenced or otherwise substantiated.

## **ACTIONS**

13. Whilst none of the concerns were found to be evidenced or otherwise substantiated we are not complacent and will take the following steps both to raise awareness of the relevant policies and to provide further assurance:
  - we will promote our Whistleblowing Policy, Dignity at Work Policy, Grievance Procedures and Whistleblowing Champion information to staff and managers
  - the next Investors in People survey will ensure there is focus on staff morale, workload and willingness to raise concerns
  - we will update procedures that consider concerns from staff, workers, regulated staff or others to include how to treat anonymous concerns
  - we will ensure direct discussion is had by managers/HR with any staff named in complaints to support them and any adverse impact this might have on the individual

- we will discuss with managers how complaints raised anonymously can impact on staff and how to support a continued positive culture throughout
- we will update the Code of Corporate Governance to strengthen and clarify the process to inform Council of issues which will impact on the strategic risks of the organisation
- the findings of the Anderson Strathern review of screening cases will be notified to Council and the findings of the report updated.

## **CONSULTATION**

14. The Convener and Whistleblowing Champion have been consulted regarding the process to investigate the complaint. The findings of the investigation and the outcomes are highlighted within this report.
15. The parties referred to in the letter have been contacted both to seek information and to notify them that the letter exists. The anonymous complaint has had an adverse effect on those identified.

## **RISKS**

16. We have an averse appetite towards regulatory and legal compliance. The recommendations within this report comply with the requirements.
17. By assessing the concerns raised against the available evidence we demonstrate that we have taken the concerns seriously. We have identified areas for refinement in our practice which once implemented will further reduce our risks.

## **IMPLICATIONS**

18. There are no adverse implications arising from the report recommendation.

### **Resourcing**

19. There are no additional staffing requirements.

### **Compliance**

20. There are no compliance issues arising from this report.

## **IMPACT ASSESSMENT**

21. There is no requirement to undertake an impact assessment for this report as it does not require a decision on a policy, procedure, strategy or activity.

## **CONCLUSION**

22. The report does not identify any Whistleblowing concerns as being raised.
23. The report does not identify any of the concerns raised as being evidenced or otherwise substantiated.
24. Council is asked to endorse the recommendations listed under point 13.