

TRANSPARENCY COMMISSION

**Recommendations
On How To
Enhance
Trust &
Transparency**



1. PUBLIC CONSULTATION

- UNISON believes that there were significant problems with the quantity, quality and integrity of the information shared with residents and staff about proposed changes to council services during the 2014 public consultation phase.
- We believe that improvements need to be made if future public consultations are to be genuine and meaningful.
- This should include sufficient detail of what is being proposed and an honest appraisal of the potential risks and dependencies that changing or stopping a service may bring.
- The same applies to the information included in public report packs e.g. Equality Impact Assessments

'Your Council Your Voice' 2014

During the consultation UNISON expressed strong concern about some of the information put up on the council website and contained in some of the public report packs - particularly about ESCW proposals:

- Scant information – 2 or 3 paragraphs only to explain very significant proposed changes to services
- Vague – making it impossible to know exactly what was being proposed in some cases
- Risk - omitted, minimised or veiled
- Inaccurate information/perceived misleading claims
- The council's business case documents (not circulated to the public and staff) setting out a different narrative about assessed risk

EXAMPLE

What was proposed:

'Savings proposal: Mainstream social work support for Child & Adolescent Mental Health Service (CAMHS)

Impact summary :This proposal will not affect eligibility for, or access to CAMHS. Through this proposal we will remove the social workers within the CAHMS . Service users will continue to be provided with social care support through core social work teams'.....

What is not revealed:

- This proposal would have cut 12 social workers from the CAMHS service. This is ¼ of the local CAHMS workforce
- This would have significantly reduced the capacity of that service by 25%
- The work of the CAHMS social workers (most of whom are dual qualified) and the capacity of the core teams to absorb their work is fundamentally inaccurate as - CAMHS social workers do not provide 'social care support' - they conduct 450 child mental health assessments every year and function as the lead M.H practitioner in carrying out the assessed interventions

Surrounding factors

- The union's attempt at the time to engage in a discussion about information inaccuracy and perceived misrepresentation was met with a blanket refusal
- Many relevant staff not informed of the public consultation
- Others given a '3 line whip' and instructed not to talk about the proposals with service users at all or risk being disciplined
- Trade unions not given advance notice that the public consultation was about to be launched despite being major stakeholders

All of this combined to give the impression that our members and the public were not being dealt with fairly, honestly and in good faith during this exercise.

SUGGESTED WAY FORWARD

- In future public consultations full information on each proposal is provided
- Dependencies are identified within the information
- For EEL to play a greater role in publicising the detail of proposals generally - but particularly in relation to informing the digitally disadvantaged
- Potential risk and possible mitigation clearly and honestly revealed so this can be properly discussed and considered by residents and stakeholders
- All relevant staff informed
- Trade Unions informed in advance (on a confidential basis)

2. WHISTLE-BLOWING

- UNISON welcomes the inclusion of this topic by the Transparency Commission. Why?
- As far back as **April 2014** UNISON raised the need for and requested that an exercise be undertaken within ESCW to examine and modify how the council handled whistleblowing and staff complaints particularly about alleged management malpractice - so staff could be assured that they would not be sacked, victimised or suffer detriment should they step forward in good faith to report concerns or act as witnesses.
- We recommended that this exercise should apply the learnings/findings from key reports about major public sector whistleblowing incidents – Sir Robert Francis’s report about Mid-Staffordshire Trust Hospital, Public Concern at Work, Public Accounts Committee etc.
- Our assessment of the need for such an exercise was based on observations of how a large group of members in ESCW who were complainants, witnesses or both had recently been treated by ‘organisational power holders’.
- The council’s relevant policies on complaint making/victimisation considered generally fit for purpose- but in the union’s view a serious systemic problem existed in relation to the implementing of these fairly, impartially and without conflicts of interest on the part of organisational power holders.
- The union’s request was refused. The position of Senior Officers at that time was that no such exercise was necessary.

Scope of definition

- It is important not to lose sight of the fact that a ‘qualifying disclosure’ (whistleblowing) under PIDA 1998 has the potential to be wider than reporting wrongdoing about potentially high profile matters such as fraud and corruption
- Reporting any perceived serious wrongdoing/malpractice at work in good faith and with reasonable belief has the potential to be a qualifying disclosure. This could include complaints about:
 - An individual’s own treatment
 - An individual’s observations of the treatment of other members of staff
 - Concerns about how a service user’s case is being handled
 - Discrimination
 - Health and Safety
- Within social care these are the sorts of concerns that the union is more likely to have brought to our attention by members
- A protected disclosure can be made via a number of the council’s formal HR procedures *or* outside of any formal procedure. Reference does not have to be made to ‘blowing the whistle’ or alike at the time of reporting

Example - March 2014

The Docklands & East London

Search



Advertiser

Sacked whistleblower wins tribunal judgement against Tower Hamlets

 18:06 28 March 2014 | [Mike Brooke](#)

A whistleblower sacked by Tower Hamlets council after accusing her boss of bullying in the office has won her case for wrongful dismissal.

STAFF VOICES

- **November 2014** the council's 'Social Work Health Check' (SWHC) is released
- It contains strong and negative messages from Tower Hamlets social care staff about the safety of whistleblowing
- **What is the 'Health Check' ?** - The national Social Work Task Force set up after 'Baby P' recommended that all employers of Social Workers conduct a regular 'health check'
- The aim of the check is to research how social care staff experience their work environment and view the culture of their organisation
- The Tower Hamlets SWHC draws on quantitative and qualitative approaches, is methodologically competent and lead by the Principle Social Worker
- Likely the biggest (anonymous) exercise the council has ever undertaken in relation to exploring staff perceptions of organisational culture specific to social care - with 130 Social Workers/Social Care staff completing the survey, followed by 33 team based focus group sessions across the directorate

What did staff say?

- **The SW Health Check found that:**

- ‘The whistleblowing blowing and procedure is not well regarded by social care staff: 31.5% self reported that they would not speak up through a whistleblowing process’.
- ‘Only 26% in the survey agreed that Tower Hamlets is a safe place for whistleblowing. This was a serious concern for the project team. How can staff speak up about perceived serious wrongdoing if the working culture feels oppressive?’

“ I knew some people who were involved in whistleblowing last time and saw how they were treated – I would NEVER whistle blow” – Quote from report

- The SWHC report recommended that: ‘An exercise /strategy must be developed to increase worker confidence in the council’s whistleblowing policy. This should include Trade Union involvement.’

Current situation & suggested way forward

- To date UNISON has not been asked to participate in such an exercise but would welcome an invitation
- Unclear about the status of this recommendation in the SWHC and how it interfaces with the work officers have been asked to do as part of the Transparency Commission's work?
- In the shadow of high profile social care failures such as in Rotherham, it is the union's view that this recommendation **must** be taken forward with **genuine intent** - with the focus not simply being on 'tweaking' or publicising current procedures, but rather centres on learning lessons from the past and developing strategies that move the organisational culture forward. Cultural change of this kind is a complex endeavour.
- Whatever the difficulties and differences of opinion about this topic which have characterised the recent past, UNISON remains willing and open to working with management and the council on a shared goal of moving forward positively on this issue - for the benefit of our members and for the benefit of the vulnerable service users that many of them work with.

3. Procurement

- We would wish to see greater information sharing about key policies such as the consideration of outsourcing (or insourcing), shared services, strategic partnerships etc.
- Firstly, we believe there should be as wide a consultation as possible at the earliest possible stage, when policy on such matters are being considered, especially with key stakeholders, one of which is the Trade Unions.
- The Trade Unions have put forward at various times a formal procurement policy to seek to formalise this in Council policy. Our experience is that we are often only involved at the point at which policy has been settled and consultation is only about the implementation of policy, and what might be termed HR aspects of it.
- A key example would be the ICT strategic partnership. The Trade Unions were not informed or involved at all until after an OJEU notice had already been served. The decision to enter a strategic partnership was already too far advanced for any meaningful consultation about whether that was the best path to follow.
- There was genuine consultation on the process that followed and in particular on the TUPE and associated arrangements for staff, but this essentially becomes about how the policy will be implemented, not the policy itself.

Procurement continued

- A second general principle comes into play here as well - “Commercial confidentiality” frequently becomes a barrier to proper transparent consideration of options and policies.
- We believe the authority should adopt a culture of preference for disclosure and openness in procurement, unless it can be clearly demonstrated that it is not possible for compelling legal or other reasons.