



Detention and Escorting Services Audit and Assurance Team (DESAAT)

Review of Whistleblowing Processes within Immigration Detention Estate

August to October 2019

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Handling Instructions:

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1. Background

- 1.1 In August 2019 DESAAT were commissioned by the Head of Operations, Detention and Escorting Services (DES) to conduct a review of the current whistleblowing arrangements that are in place across the detention estate.
- 1.2 Whistleblowing is defined by the Oxford English Dictionary as:
- “The disclosure by a person, usually an employee in a government agency or private enterprise, to the public or to those in authority, of mismanagement, corruption, illegality, or some other wrongdoing.”*
- 1.3 In the past five years there have been serious incidents within the Detention Estate highlighting unacceptable supplier staff behaviour towards detainees for example - at Yarl's Wood in 2015 - highlighted by Channel 4, and at Brook House in 2017 - highlighted by the BBC Panorama television programme.
- 1.4 Although there were various opportunities open to individuals – both detainees and members of staff - to report improper conduct none of these avenues were pursued and these incidents only came to attention via broadcasters.
- 1.5 As part of actions following these incidents HOIE, DES and IRC suppliers all considered why this serious misconduct had not been reported through the channels already in place.
- 1.6 Separately the second Shaw review into the “*Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons*”, recommended in July 2018 that:
- *Recommendation 42: The Home Office should strengthen its own assurance processes to examine adherence to professional standards and staff culture in IRCs on a regular basis.*
- 1.7 This review considers the current position within the detention estate regarding the use of whistleblowing processes as part of the above recommendation, although additional related areas are also commented upon which have come to light as part of this review.
- 1.8 The report will also consider the introduction of a whistleblowing Detention Service Order (DSO) to ensure the same measures can be easily accessed for all those who work within the detention estate.
- 1.9 Recommendations on how DESAAT believe processes can be improved within the Detention Estate regarding Whistleblowing are also included.
- 1.10 The review team were provided with full information they requested from stakeholders that they contacted and were given open access by Senior Managers within DES to consult and obtain this information from internal stakeholders.

2. Method

- 2.1 DESAAT were assisted in the review by colleagues from the IE Detained Casework Audit and Assurance Team (DCAAT), part of the Detained Casework Oversight and Improvement Team within IE and by DES colleagues from both the Escorting Contract Monitoring Team, DES IRC Compliance Teams and Passport Office.
- 2.2 We requested whistleblowing policies from each of the centre suppliers and the escorting supplier along with;

- Any expectations and guiding principles for appropriate workplace behaviour including those inside and outside of working hours (i.e. use of social media)
 - Any staff engagement strategies that focus on culture and conduct.
 - Specific training given to staff – both initial and refresher – on whistleblowing, expected staff conduct etc, including current 'in date' figures where appropriate.
- 2.3 On-site meetings were then held with all suppliers to ascertain the different processes that are in place and how these are promoted amongst staff.
- 2.4 DESAAT also met with the Escort Contract Monitoring Team and IE colleagues based in each of the IRCs (both DES Compliance and DET teams) to ascertain what information is available to them and how reminders or information is cascaded to them.
- 2.5 As there is no formal whistleblowing policy currently in place for detainees the complaints system, as set out in DS0 03/2015 at page 6 paragraph 4, was referred to in this respect;
- “...a complaint is “any expression of dissatisfaction about the service we provide, or about the professional conduct of our staff and contractors”.*
- 2.6 Additionally, Detainee Consultative Committee (DCC), or similar, meetings are also held each month where detainees can raise issue directly with centre and Home Office management, though this does not offer the anonymity of the complaints system.

3. Headlines

- 3.1 From discussions held with both supplier and DES staff, and from reviewing policies currently in place, it is clear that although “whistleblowing” is considered an area of importance and retains a high general awareness with both sets of staff, very little is understood regarding the “why”, when and how” whistleblowing should be used in practice (see 4.4).
- 3.2 DESAAT found a belief amongst both supplier and HOIE staff that whistleblowing should only be used for exceptional issues (such as sexual harassment) and many staff would initially speak with a line manager.
- 3.3 There was also the suggestion from staff that there may be a reluctance to report concerns to Line Managers as they could be complicit in the misconduct. Evidence supporting this can be found in the Lampard report – *“Independent investigation into concerns about Brook House immigration removal centre”*, published November 2018, which found that;

“A few other members of staff spoke to us about inappropriate behaviour by colleagues and how it was not possible to challenge them without being bullied. One DCO alleged that managers had protected a member of staff who had bullied detainees and other staff.” (13.28)

They also found that;

“Another DCO suggested that managers were not prepared to take responsibility for investigating and addressing bullying among staff and did not handle allegations of bullying with tact or discretion.” (13.29)

- 3.4 Similarly, when a number of smaller issues go unreported – or are reported but where no action is apparently taken to those reporting them - it can lead to both a failure by management to see a larger problem and the disillusionment of those reporting their concerns. For this reason, we perceived a reluctance from supplier and DES staff to use the

full process as set out in policies, instead stating they would generally report to a Line Manager (See 4.37).

- 3.5 DESAAT also noted another area of concern regarding additional stakeholders working on-site at each IRC. For example, Healthcare, Hibiscus and property sub-contractors may each with their own whistleblowing policies and respective reporting chain. As there is not currently a single overarching whistleblowing policy across the estate detailing how staff can report concerns outside of their own organisation, there could be confusion regarding reporting members of staff from other organisations. This means that chances for the early reporting of issues may be missed.
- 3.6 Supplier whistleblowing policies were in place although one showed that it was last updated in November 2012 and another was last updated in November 2014. Whilst notices to staff, including centre managers orders, had been issued to staff at all centres since these policies were last reviewed, there is little evidence that the actual policies were updated in conjunction with these messages being issued.
- 3.7 Although not specifically contained within the terms of reference it was considered appropriate to review areas that overlapped with whistleblowing. This included comments made by Sir Stephen Shaw in his 2018 report *"Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons"*. The follow-up report to his original review in 2016.
- 3.8 In the 2018 report Stephen Shaw commented that:

"to supplement whistle-blowing arrangements, I suggest that staff would benefit from being afforded safe spaces in which they can discuss what they have done well (and less well) without fear of disciplinary repercussions. Staff need to be honest about their own coping strategies" (6.30).
- 3.9 For the purpose of this review, and taking the Shaw report into account, DESAAT consider safe spaces to be environments where an individual (or group of people) can feel confident that they can talk freely about incidents they have taken part in or observed without feeling exposed to undue criticism or harassment. Care would however have to be taken so that the creation or provision of a safe space in no way absolves an individual or the organisation from accountability for any wrongdoing and or from the responsibility to properly report wrongdoing
- 3.10 It is therefore important to note that a safe space doesn't have to be a physical location but rather about developing a workplace culture of support, encouragement and acceptance that actions taken could have been dealt with better (a form of Lessons Learned or de-briefing after an incident).
- 3.11 Whilst supplier staff already have access to a number of "break-areas/rooms" and canteen facilities these are not specific "safe spaces". Consideration should therefore be given to DES liaising with suppliers regarding allocation of formal safe spaces which are suitably furnished and contain information regarding organisations or charities that can offer advice or support so that staff can feel they are not being "disciplined" for expressing concerns as part of de-briefings.
- 3.12 An important aspect of whistleblowing is the belief that any concerns raised will not lead to punishments or unfair treatment from managers or colleagues to those reporting their concerns. During this review however the vast majority of both Home Office and supplier staff we spoke with, did not feel confident that any issues raised would remain confidential / anonymous and therefore would expect there to be negative repercussions. This is particularly concerning as it goes against a key pillar of whistleblowing. (See 4.36)

- 3.13 Given the above, and the information contained within the remainder of the report, DESAAT believe that a DSO on whistleblowing, containing recommendations made in this report, would be beneficial to ensure consistency across the detention estate between both suppliers and HOIE staff.

Main recommendations:

M1: DES SMT should consider the introduction of an estate wide whistleblowing DSO and policy to ensure consistency of approach.

M2: DES SMT to consider how access to “safe spaces” be it physical or cultural, for both HOIE and supplier staff, could be provided while retaining confidence that staff cannot be absolved of their responsibilities purely by admission.

M3: DES SMT to consider publication of an annual “Lessons Learned” whistleblowing bulletin which include examples of when whistleblowing has been used (and the outcomes) or should have been used.

M4: DES SMT to further examine the reasons for DES staff having such low confidence in the current whistleblowing processes via staff surveys and monthly staff/manager “one to ones”.

4. Key findings

- 4.1 The key findings have been split into the following specific areas taken from the ToRs:

Current Whistleblowing Arrangements / Policies

- 4.2 All of the locations visited by DESAAT as part of this review had multiple stakeholders working onsite (HOIE, supplier, NHS, sub/outside contractors, charities etc). Each of these stakeholders have their own whistleblowing policies and reporting chains and there was no evidence of any joint process to allow staff to report outside of their own management chain /organisation.
- 4.3 Only at Morton Hall were contractors visiting the site given an induction by the facilities management company (Amey) which included whistleblowing and how to report concerns. None of the other centres automatically provided contractors with such information.
- 4.4 As a result, there was little confidence from staff that any action would be taken if concerns were raised regarding a member of staff from another organisation. Staff were also unaware of other teams’ policies, which is understandable, but concerningly were then unsure if/how this type of concern/incidents could be raised through their own whistleblowing process. Recommendation M4 above refers.

Recommendation 5: DES SMT should consider how all staff – both HOIE and supplier, including Healthcare and sub-contractors, should be made aware of whistleblowing policies including how / who to report any concerns to.

Expectations and Guiding Principles for Appropriate Workplace Behaviour

- 4.5 Regarding suppliers, each centre had a code of conduct document that included the use of social media however a number of these had version numbers but no date - making it difficult to ascertain when it was last reviewed. Staff were aware that there was a document available, but knowledge of the actual content was poor.
- 4.6 Prior to beginning work as a Detention Custody Officer (DCO) each new member a six-week Initial Training Course (ITC) must be completed. These courses cover modules such as the Immigration and Asylum Act 1999, security, equality and diversity, control and restraint techniques and first aid and their content is reviewed by the DES Compliance Team at each centre.
- 4.7 Each ITC has a module covering workplace behaviour both regarding detainees and colleagues (both supplier and HOIE). These are all slightly different due to the number of suppliers working within the estate. DESAAT also confirmed that these expected behaviours are covered during the annual refresher training and we observed information displayed at all centres reminding staff of their conduct.
- 4.8 As a result of the incident and action plans resulting from the Panorama expose at Brook House addition work has already been undertaken by the on-site DES team and G4S regarding recruitment and training of staff. Additionally, as part of the new Gatwick contract the services description has a specific section - 'Maintaining a Healthy Staff Culture' as part of the Personnel and Staffing section (16.4). This outlines in much greater detail than previous contracts within the estate the behaviours and culture expected from supplier staff working in an IRC. This specifically includes the need for whistleblowing policies, a staff code of conduct and staff engagement policies all of which should be regularly promoted to staff.
- 4.9 Supplier staff that were spoken with confirmed that they had been briefed during ITC and refresher training on workplace behaviour. We were also informed by staff at all centres that they do receive reminders from management regarding what is expected however there was no set frequency for these and varied from monthly to more ad hoc "as and when" emails.
- 4.10 For HOIE staff The Civil Service Code has four main areas – Integrity, Honesty, Objectivity and Impartiality but makes no specific mention of social media use. A search on Horizon produced a 'Social media guidance' that was last reviewed in March 2019

Recommendation 6: DES SMT to ensure that DES Compliance and Escorting Contract Management Teams review the contents of and attend the appropriate workplace behaviour aspects of ITCs and refresher training.

Staff Engagement

- 4.11 DESAAT identified inconsistencies within the HOIE teams across the detention estate regarding promotion of the HO whistleblowing policy. For example, one of the teams we spoke with receive monthly updates from their line manager via email and it is also mentioned in monthly team meetings, whilst at another centre very little, if any, information is sent out by managers. These inconsistencies also appear between the HOIE DES and DET teams working within the same centre, highlighting that although there are HO wide instructions in place staff awareness of these is poor.

- 4.12 There was also a lack of information displayed in and around HOIE offices. At many centres no posters were present and if there were posters displayed, these were inconspicuous and often grouped together with other information diluting the message.
- 4.13 When speaking to HOIE staff about the whistleblowing policy and whether they knew how to report incidents, DESAAT were repeatedly told *"it's on Horizon (HO intranet)"*. This backed up the results of the DES Head of Ops surveys. It was also noticeable that the policy has not been updated since 2015.
- 4.14 Specifically for Home Office staff, the Bullying, Harassment and Diversity page states how to report issues:
- <https://horizon.fcos.gsi.gov.uk/policy/home-office-statement-bullying-harassment-and-discrimination>
- 4.15 In addition on 13 September 2019 there was an article on Horizon entitled *"speak-up"* which referred specifically to:
- ".. raises awareness about how to create an inclusive culture where we feel empowered and able to speak up when we experience or see something that bothers2us, including bullying, harassment and discrimination (BHD)."*
- <https://horizon.fcos.gsi.gov.uk/news/safe-environment-everyone>
- 4.16 These examples show that there is overlapping procedures which may lead to confusion for HO staff as noted above regarding what is the correct way to report an issue.
- 4.17 The Head of Operations, Detention and Escorting Services regularly sends out a whistleblowing survey to DES staff and subsequently sends an email containing the results. From the December 2018 survey it was positive to note that 92% of staff were aware of who to speak to regarding raising concerns however the number of staff that knew the Home Office had an actual policy dropped to 87% and only 73% knew where to locate it. Following publication of this report the next survey will contain questions based on these findings.
- 4.18 DESAAT also observed evidence showing that whistleblowing continues to be a regular agenda item at both DES Team meetings and Operational Senior Management Team (SMT) meetings. Given the recent large turnover of DES staff Whistleblowing should remain as a prominent part of induction.
- 4.19 With regard to suppliers DESAAT also observed inconsistencies in the approach to displaying whistleblowing information within the centres, especially the issue of where this is displayed. For example, DESAAT did not observe whistleblowing information displayed in the unit offices in any of the centres that were visited. Likewise, many of the centres had no whistleblowing information in the staff areas such as canteens or break areas although in several centres' information is displayed in lifts or in a few cases even in toilets.
- 4.20 Although many of the centres whistleblowing policies stated that there were local champions or other local contacts on site, who should be responsible for providing updates and reminders as well as acting as points of contact for staff with any queries. DESAAT found that many of the positions were vacant with no urgency shown in filling them.

Recommendation 7: DES SMT to ensure that there is greater whistleblowing information displayed prominently in both supplier and Home Office areas of the estate.

Detainee Engagement

- 4.21 There are no whistleblowing policies in place specifically for detainees. Instead they are encouraged to use the complaints processes to highlight issues regarding the service provided by the Home Office or suppliers as well as the conduct and behaviour of the staff onsite.
- 4.22 Complaints can be submitted both formally and informally – a route that is encouraged for minor issues that can be resolved locally. In many cases a detainee may raise an issue which can be resolved swiftly and locally without the need for a formal complaint to be submitted and actioned. This “local resolution” process is often used for localised accommodation issues (such as requests for more bedding, perceptions of staff attitude to detainees etc) and similar incidents.
- 4.23 Formal complaints boxes and forms were located throughout the centres and all centre inductions included information to detainees on how to make a complaint. Response times for formal complaints were checked on the local database and were within the guidelines (within 20 days up to 12 weeks depending on the severity of the complaint) and all detainees we spoke to were aware of the complaints process.
- 4.24 A number of DES Compliance teams raised concerns that they do not always receive updates from the supplier in relation to locally resolved cases and that there is currently no formal process in place to report such updates. There is therefore a potential for detainees to be discouraged from making a formal complaint or indeed the local resolution process to be used incorrectly meaning that formal complaints are not submitted when they should be. To help address this issue in a recent Thematic review into Complaints handling DESAAT recommended that the DES COOT should:

Recommendation 21: It is recommended that when the DSO is reviewed that formal recording and oversight of informal resolution processes are clearly defined.

- 4.25 Given the above it is considered that no further specific action is required at this stage regarding detainees, as long as the recommendation made in the recent Thematic complaints review is implemented.

Training Given to Supplier and HOIE Staff (both DES and DET)

- 4.26 The Immigration Enforcement induction training for new members of staff began in September 2019 and whilst originally did not include a specific section on whistleblowing, Home Office Security conducted a session on this area at the November course. The presentation includes information on what whistleblowing entails, what to do and how to report whistleblowing.
- 4.27 The approach taken by individual suppliers during their initial training courses (ITCs) varied greatly with regards to instructing new members of staff in whistleblowing procedures. Several suppliers specifically single out whistleblowing and spend time discussing what it (could) entail and how to report issues, whilst other suppliers include it as part of a more general “professional standards” topic which includes areas such as expected behaviours, culture and conditioning.

- 4.28 We were informed by the Detained Casework Oversight and Improvement Team (DCOIT), who assisted DESAAT with this review, that The Detainee Engagement Teams working in the IRCs do not receive any specific (local) training regarding whistleblowing. Numerous emails were observed that have been sent by the DET Grade 7s containing reminders to all staff of, and any updates to, the whistleblowing policy.
- 4.29 Many of the Initial Training Courses (ITCs) in place for DCOs do not specifically use the term 'whistleblowing' within their documentation which creates confusion for staff reporting issues at a later date. For example, many of the centres package whistleblowing into a "professional standards" type topic. Additionally, at Morton Hall the term 'counter corruption' is used in all documentation received as part of HMPPS core training. However, during each officer's two-week induction to the IRC it is repeatedly explained that 'counter corruption' is the equivalent of whistleblowing.

Recommendation 8: DES SMT to consider whether a specific short e-learning course around whistleblowing should be introduced for all HOIE staff working within the Detention Estate given the duty of care that is in place regarding those who are detained.

Recommendation 9: DES SMT to consider mandatory yearly refresher training regarding whistleblowing for all supplier and DES staff.

Previous Instances of Whistleblowing

- 4.30 As part of this review, DESAAT contacted the Home Office Professional Standards Unit (PSU) to try and ascertain how many cases they have investigated that have originated as a result of whistleblowing. It is acknowledged that this is a sensitive area due to the nature of whistleblowing however they were able to confirm that since taking over the whistleblowing hotline in November 2015 there have been 2 whistleblowing allegations in relation to officers within the detention estate. PSU referred these back to the Line Management Chain for further intervention due to the nature of the allegations.
- 4.31 The DES Certification Team were also contacted to enquire as to whether their records would contain information on whether DCO certification has been removed following disciplinary action resulting from whistleblowing action. DESAAT were told that although records would not specifically note where whistleblowing had been the initial trigger to an investigation the Accreditation team could not recall there being any specific cases of this happening.
- 4.32 Historically 20 September 2018 was Whistleblowing Awareness day across the Civil Service and Horizon had a special page linked to this event:

<https://horizon.fcos.gsi.gov.uk/news/how-speak>

stating that:

"...it's an ideal time to familiarise yourself with the well-established Home Office whistleblowing procedure, which provides channels for staff to legitimately raise their concerns.

Over the past 12 months three major recommendations were made as a result of cases reported by you last year."

- 4.33 No further updates could be found for a similar event in 2019 on Horizon.
- 4.34 In summary it is difficult to ascertain the success or otherwise of whistleblowing policies and practice. As noted previously in the report a **recommendation M4** - has been made to assist in this area.

Staff Attitudes to Whistleblowing

- 4.35 Members of staff across all sites also raised concerns over their anonymity being protected were they to report any incidents (see also 3.9). Examples were given to DESAAT of whistleblowing news stories in the press and fears expressed about being exposed as a “tell-tale” at work.
- 4.36 During discussions, DESAAT were informed by many members of staff – both HOIE and supplier, that in the first instance they would approach their line manager with any issues that they felt needed escalating. There was a reluctance from “frontline” staff to follow the processes laid out in the individual policies for fear of ‘going over someone’s head’ or being seen/considered as a “trouble-maker”.
- 4.37 This is concerning as it could suggest a number of issues. Is there a lack of confidence in the whistleblowing process, is it that staff are unable to distinguishing between acceptable and unacceptable behaviour, or are they unsure of how to identify degrees of unacceptability? These all have the potential for concerns either to be raised informally or not raised at all with issues being “brushed under the carpet”. This can lead to potentially dangerous or damaging issues going unreported. **See recommendation M4.**

5. Further Information

- 5.1 As part of this review DESAAT also researched the whistleblowing policies of other organisations that, like DES, have a duty of care to those in their charge such as HMPPS, NHS Mental Health Services and the Police to capture any ideas and best practice. In addition, we also reviewed the policies and procedures of the Institute of Internal Auditors and certain other government departments to review any significant differences that there may be. **Annex B** provides more detailed information.
- 5.2 The NHS website stated in October 2019 that, following a pilot, a new national Whistleblowing Support Scheme is to be rolled out across the country however there is no timescales given for this and no further information yet on what this scheme looks like.
- 5.3 The National College of Policing have national reporting concerns guidance in place, established in 2016. There is a brief overview on their webpage detailing what the guidance sets out however the link to the main document is protected.
- 5.4 Within HMPPS whistleblowing forms part of the “Counter Corruption” documentation however there is a link within this to a “*Whistleblowing and raising a concern procedure*” which states what constitutes a relevant concern, how to raise a concern, information that is needed and the support offered to staff.
- 5.5 Looking at best practice within the Home Office, the Passport Office have a nominated officer (currently the Security Liaison Officer) at each location for all whistleblowing information who in turn reports to the Head of Security. A similar system may be appropriate for the Detention Estate.

- 5.6 The information available from other professional auditing bodies such as Institute of Internal Auditors, Chartered Institute of Personnel Development and corporate organisations such as KPMG and PWC is not considered specific enough to meet the needs of DES.
- 5.7 DESAAT conclude that there are no definitive policies currently in place that meet our needs but believe that a specific DES policy is required taking best practice from the examples at **Annex B** (as originally stated in main recommendation 1).

Recommendation 10: DES SMT to consider that the Proposed DSO to include DES staff as Local whistleblowing champions should be in place to co-ordinate arrangements for supplier, Healthcare and HOIE staff at all centres.

6. Good Practice

- 6.1 It was positive to note that outside contractors at Morton Hall are given an induction by Amey (the facilities management company) which includes whistleblowing procedures and how to report incidents of concern. **Recommendation 5 refers.**

7. Summary of Recommendations

Recommendation Number	Recommendation	Recommendation Owner
Main 1	DES SMT should consider the introduction of an estate wide whistleblowing DSO and policy to ensure consistency of approach.	DES SMT
Main 2	DES SMT to consider how access to “safe spaces” be it physical or cultural, for both HOIE and supplier staff, could be provided while retaining confidence that staff cannot be absolved of their responsibilities purely by admission.	DES SMT
Main 3	DES SMT to consider publication of an annual “Lessons Learned” whistleblowing bulletin which include examples of when whistleblowing has been used (and the outcomes) or should have been used.	DES SMT
Main 4	DES SMT to further examine the reasons for DES staff having such low confidence in the current whistleblowing processes via staff surveys and monthly staff/manager “one to ones”.	DES SMT
Main 5	DES SMT should consider how all staff – both HOIE and supplier, including Healthcare and sub-contractors, should be made aware of whistleblowing policies including how / who to report any concerns to.	DES SMT
Main 6	DES SMT to ensure that DES Compliance and Escorting Contract Management Teams review the contents of and attend the appropriate workplace behaviour aspects of ITCs and refresher training.	DES SMT

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7	DES SMT to ensure that there is greater whistleblowing information displayed prominently in both supplier and Home Office areas of the estate.	DES SMT
8	DES SMT to consider whether a specific short e-learning course around whistleblowing should be introduced for all HOIE staff working within the Detention Estate given the duty of care that is in place regarding those who are detained.	DES SMT
9.	DES SMT to consider mandatory yearly refresher training regarding whistleblowing for all supplier and DES staff.	DES SMT
10.	DES SMT to consider that the Proposed DSO to include DES staff as Local whistleblowing champions should be in place to co-ordinate arrangements for supplier, Healthcare and HOIE staff at all centres.	DES SMT

Annex A

Terms of Reference – Whistleblowing Review – Summer -2019

Background:

Whistleblowing is defined by the Oxford English Dictionary as:

“A person who informs on a person or organisation regarded as engaging in unlawful or immoral activity.”

A number of serious incidents within the Detention Estate, culminating in the BBC Panorama television programme that aired in September 2017, highlighted unacceptable staff behaviour towards detainees.

Even though there were various opportunities open to individuals – both detainees and other members of staff - to report this misbehaviour of staff none of these avenues were pursued. This led to consideration within DES, wider HOIE and suppliers of the reasons why this was the case.

Separately the second Shaw review into the “Assessment of government progress in implementing the report on the welfare in detention of vulnerable persons” recommended in 2018 that:

Recommendation 42: The Home Office should strengthen its own assurance processes to examine adherence to professional standards and staff culture in IRCs on a regular basis.

Aim:

To consider the current arrangements that are in place and how these can be improved, possibly via the introduction of a whistleblowing DSO, to ensure formal measures can be accessed for all those who are held or work within the detention estate.

Scope:

This review will consider the following across the whole Detention Estate - at IRCs, R/STHFs and during escorting:

- a) The current whistleblowing arrangements/policies that are in place – contractual/individual suppliers/HOIE
- b) The expectations and guiding principles for appropriate workplace behaviour, including the expected behaviours both inside and outside of working hours e.g. Civil Service Code, Use of social media etc.
- c) Staff engagement strategies, focussing on culture and conduct.
- d) Training given to supplier and HOIE staff (both DES and DET) – both initial and refresher – on whistle-blowing.
- e) Previous instances of whistle-blowing – processes followed, including responses and outcomes.
- f) Staff, including HOIE Pulse survey results, and detainee attitudes to whistle-blowing including the confidence in the system.

The results of this review will be used by Detention and Escorting Services to:

- a) Establish variances in policy across the estate – both good and poor practice

- b) Highlight concerns
- c) Make and take forward appropriate recommendations, both centre specific and estate wide
- d) Note and distribute good practice
- e) Potentially establish the baselines for the creation of a whistle-blowing DSO.

Detailed Requirements:

DESAAT – will lead on the review and report writing, with support from the Detained Casework Audit and Assurance Team (DCAAT), DEPMU Contract Monitoring Teams and DES IRC Compliance Teams.

DESAAT will formally write to the centres in early July 2019 requesting background information.

Site visits to take place by 12th August 2019 at selected IRCs and R/STHFs.

Report:

Draft report to be with the DES Head of Risk and Assurance by 30 August 2019 before being sent for factual accuracy check with the Head of DES Operations and Head of DPRC. Formal completion and internal dissemination of the review expected September 2019.

Annex B – Whistleblowing Desk Review

Department for Business Innovation and Skills

In their 'Whistleblowing Guidance for Employers' (March 2015) the Department for Business, Innovation and Skills (BIS) stated that as an employer it is good practice to create an open, transparent and safe working environment where workers feel able to speak up. By having clear policies and procedures for dealing with whistleblowing, an organisation demonstrates that it welcomes information being brought to the attention of management. This is also demonstrated by the following:

Recognising workers are valuable ears and eyes: Workers are often the first people to witness any type of wrongdoing within an organisation. The information that workers may uncover could prevent wrongdoing, which may damage an organisation's reputation and/or performance and could even save people from harm or death.

Getting the right culture: If an organisation hasn't created an open and supportive culture, the worker may not feel comfortable making a disclosure, for fear of the consequences. The two main barriers whistleblowers face are a fear of reprisal as a result of making a disclosure and that no action will be taken if they do make the decision to 'blow the whistle'. There have been a number of high profile cases, including evidence collated by the Mid-Staffordshire NHS Foundation Trust Public Inquiry, the Freedom to Speak Up Independent Review into creating an open and honest culture in the NHS; and the Parliamentary Commission on Banking Standards that confirm many workers fear speaking up about poor practice. Making sure your staff can approach management with important concerns is the most important step in creating an open culture. Employers should demonstrate, through visible leadership at all levels of the organisation, that they welcome and encourage workers to make disclosures.

Training and support: An organisation should implement training, mentoring, advice and other support systems to ensure workers can easily approach a range of people in the organisation.

Being able to respond: It is in the organisation's best interests to deal with a whistleblowing disclosure when it is first raised by a worker. This allows the organisation to investigate promptly, ask further questions of a worker and where applicable provide feedback. A policy should help explain the benefits of making a disclosure.

Better control: Organisations that embrace whistleblowing as an important source of information find that managers have better information to make decisions and control risk. Whistleblowers respond more positively when they feel that they are listened to.

Resolving the wrongdoing quickly: There are benefits for the organisation if a worker can make a disclosure internally rather than going to a third party. This way there is an opportunity to act promptly on the information and put right whatever wrongdoing is found.

There is no standard template detailing what whistleblowing policies should contain, however BIS state that they should be clear, simple and easily understood and offer the following advice as to what a policy should include:

- An explanation of what whistleblowing is, particularly in relation to the organisation
- A clear explanation of the organisation's procedures for handling whistleblowing, which can be communicated through training
- A commitment to training workers at all levels of the organisation in relation to whistleblowing law and the organisation's policy
- A commitment to treat all disclosures consistently and fairly

- A commitment to take all reasonable steps to maintain the confidentiality of the whistleblower where it is requested (unless required by law to break that confidentiality)
- Clarification that any so-called 'gagging clauses' in settlement agreements do not prevent workers from making disclosures in the public interest
- An idea about what feedback a whistleblower might receive
- An explanation that anonymous whistleblowers will not ordinarily be able to receive feedback and that any action taken to look into a disclosure could be limited – anonymous whistleblowers may seek feedback through a telephone appointment or by using an anonymised email address
- A commitment to emphasise in a whistleblowing policy that victimisation of a whistleblower is not acceptable. Any instances of victimisation will be taken seriously and managed appropriately
- An idea of the time frame for handling any disclosures raised
- An idea of the time frame for handling any disclosures raised
- Clarification that the whistleblower does not need to provide evidence for the employer to look into the concerns raised
- Signpost to information and advice to those thinking of blowing the whistle, for example the guidance from the Government, Acas, Public Concern at Work or Trade Unions
- Information about blowing the whistle to the relevant prescribed person(s)

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415175/bis-15-200-whistleblowing-guidance-for-employers-and-code-of-practice.pdf
(March 2015)

Institute for Internal Audit

The importance of culture within an organisation and the impact on whistleblowing is also highlighted by the Institute for Internal Audit (IIA) who state that "...there is a symbiotic relationship between whistleblowing and an organisation's culture. Effective internal whistleblowing arrangements are an important part of a healthy corporate culture. But it is also crucial to have the right organisational culture which encourages people to speak out without fear".

<https://www.iaa.org.uk/resources/ethics-values-and-culture/whistleblowing/research-report-whistleblowing-and-corporate-governance/> (October 2019)

NHS

This is echoed in the NHS Whistleblowing Guidance (2017) which states that "all NHS primary care providers should work to ensure, through the practical implementation of local whistleblowing policies and procedures, that they create open learning cultures that give staff the confidence and reassurance to raise concerns". The guidance also provides some best practice actions and prompts to encourage staff to raise concerns;

Staff know; it is right to speak up.

NHS primary care providers will:

- Devote time to reinforce the message that it is safe to speak up.
- Ensure a focus on patient safety and improvement.
- Be inclusive ensuring all staff, including ancillary, clerical and temporary staff are briefed.

Staff know that their organisation is supportive.

NHS primary care providers will:

- Ensure visible senior management commitment to implementation of whistleblowing policies and procedures and creating safe learning environments.
- Engage with staff (staff surveys, meetings etc.) to monitor their effectiveness in this regard – again be inclusive of all staff.
- Welcome all concerns and accept concerns being raised anonymously.

Staff are regularly asked for their views.

NHS primary care providers will:

- Explicitly ask staff to let the organisation know about problems and raising concerns as a standing item for review in all leadership meetings.

Staff will know how to raise concerns and have access to training which explains what to do.

NHS primary care providers will:

- Review and agree local procedures with staff.
- Include case studies or scenarios in team meetings to bring local policies to life and help explain what to do to raise concerns and how.
- Periodically check with staff they have read and understood the local whistleblowing policy.
- Ensure all temporary and locum staff know that they can seek advice on how to raise concerns from their Freedom to Speak Up Guardian, or via the appropriate prescribed organisation listed above.
- Access national learning materials (when available) from NHS England.

Staff know that they will not be bullied, victimised or harassed as a result of speaking up.

NHS primary care providers will:

- If a staff member suffers adverse treatment for raising a concern, this will be taken seriously and sanctions will apply.

It was announced in October 2019 by the NHS that a new whistleblowing support scheme is to be rolled out across the country following a successful pilot. However, I was unable to get any further evidence for this.

<https://www.england.nhs.uk/wp-content/uploads/2016/11/whistleblowing-guidance.pdf>
(November 2017)

HMPPS

The “Counter Corruption and Reporting Wrongdoing Policy Framework” produced in April 2019 is a broad document outlining all procedures to combat corruption by staff, visitors and contractors. There is a footnote on page 7 of this framework however that links to a “Whistleblowing and raising a concern procedure” which is specifically for whistleblowing. This document sets out exactly what constitutes a concern, how to report this, information needed and support available to staff.

Importantly the document also highlights the options of anonymity, a reminder that confidentiality in all cases will be maintained and reiterates that the member of staff will be protected.

The procedure also links in with the Civil Service Code by listing and answering 29 questions relating to Civil Servants and whistleblowing including differentiating between whistleblowing and personal grievance;

“Concerns raised under the whistleblowing policy should address wider issues that concern your department, colleagues or public in general, rather than personal complaints that you may raise under other policies. For civil servants, they will usually relate to the Civil Service values, as outlined in the Code. Personal grievances and complaints, including complaints of bullying, harassment and discrimination will not be accepted under the whistleblowing policy and should be raised under the department’s appropriate policy.”

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/799523/counter-corruption-pf.pdf (April 2019)

<https://intranet.justice.gov.uk/documents/2015/05/whistleblowing-procedure-and-faqs-for-civil-servants.pdf> (April 2016)

National College of Policing

In 2016 the National College of Policing issued national guidance has been published to help officers and staff report concerns about colleagues and provides a clear guide to good practice for forces when it comes to supporting those who have reported concerns.

The policing Code of Ethics, published in 2014, makes it clear that all those who work within the service are expected to report concerns they may have about wrongdoing or poor practice. Police regulations also require officers to challenge or report improper behaviour.

However, until now all forces have had individual policy on how this should be done. The aim of the new national guidance is to provide a consistent approach across England and Wales. It sets out that:

- If a person raises a genuine concern, there should be no risk of reprisal or consequence if they are mistaken.
- Forces need to put robust processes in place to ensure harassment or victimisation of those reporting concerns is not tolerated.
- Reports should be kept confidential and if a person reporting a concern wishes to remain anonymous, they should be able to do so
- The person reporting concerns must be consulted and kept updated throughout the investigation.

https://www.college.police.uk/News/College-news/Pages/reporting_concerns.aspx

(March 2016)

OFFICIAL - SENSITIVE

OFFICIAL- SENSITIVE