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HEALTH AND SAFETY EXECUTIVE
The HSE Senior Management Team

**MECHANISMS FOR HSE STAFF TO RAISE NON-HR RELATED CONCERNS
UNDER THE CIVIL SERVICE CODE AND OTHER MEANS**

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Issue

1. The Civil Service Commissioners have undertaken their first audit into how departments uphold and promote the values in the Civil Service Code. This paper sets out how HSE staff can access information about the Code, along with our current arrangements to allow staff to air their concerns about issues wider than the usual run of work related complaints.

Timing

2. Routine

Background

3. The First Civil Service Commissioners wrote to Permanent Secretaries (PSs) and Chief Executives (CEs) on 30 March 2009 to let them know of the launch of the audit. In response to that audit, the First Civil Service Commissioner wrote again to PSs and CEs on 20 January (Annex 1- separate PDF file) to say:

- Detailed recommendations and examples of good practice have been identified and will be sent to HR Directors as a resource
- The analysis has flagged four key areas and high level messages Departments should address (Leadership, Implementation, Support and Training) to ensure that Civil Servants know how to raise concerns and are encouraged and supported in doing so (Annex 1a).

4. As a result, this paper sets out how HSE staff can access the Code, along with our arrangements to allow staff to raise concerns (e.g., under the Code or other routes) wider than those dealt with via the routine grievance and appeals procedures associated with HSE and HR policies and processes, e.g., appeals against non-selection for promotion, diversity issues, and general grievances about work-related complaints.

Current arrangements

5. Our mechanisms for allowing staff to raise such concerns are set out in Annex 2. Currently, we refer to the Civil Service Code in all letters of appointment, provide an accompanying leaflet explaining it, and provide a link to it the HR Guidance pages on the intranet. The latter is signposted from the 'New to HSE' site, and the topic is also explicitly covered in on the induction programme for new inspectors.

6. The recent People Survey asked staff specifically about the Civil Service Code, and HSE's responses are as follows:

Question	% of HSE staff responding 'Yes'	Difference from Civil Service average
Are you aware of the Civil Service Code?	75%	+1
Are you aware of how to raise concerns under it?	33%	- 11
Are you confident that if you did raise a concern under the Code in HSE would it be investigated properly	55%	- 3

7. Though it is encouraging that three quarters of our staff are aware of the Civil Service Code itself, it's clear that we could do more to highlight how to raise issues and how they would be dealt with.

Recommendation/Action required

8. In terms of the four areas flagged in Annex 1a, we fair quite well with our current arrangements for training and, to an extent, support. That said, the results from the People Survey suggest we have work to do in all of the key areas e.g., in our current collective memory within HRD, we do not recall any specific senior management messages about the Code being issued to HSE staff; training could be more targeted at 'high risk' staff; and, we could provide more clarity about nominated officers and how to raise issues.

9. HRD will take the lead on this in terms of ensuring our policies and procedures are clear. However, it will require Senior Managers' commitment to actions to address gaps in the short term, and in the longer term, to ensure staff understand the Civil Service Code, along with the mechanisms for raising concerns under this and the other relevant avenues set out in Annex 2.

10. SMT is therefore asked to:

- Discuss and review the current arrangements, make any proposals that it considers appropriate.
- Agree HRD should review HSE's position in respect of the key areas in Annex 1a, and implement actions, with Directorate support, to address gaps.

Consultation

11. We have consulted with Communications Directorate's Press Office.

Presentation

12. N/A

Cost/Resource implications

13. HRD resource initially, with some Directorate support in delivering messages.

Annex 2

What and Why?	Who?	How?
<p>Whistle blowing</p> <p>The Public Interest Disclosure Act 1998 enables workers who ‘blow the whistle’ about wrongdoing to complain to an employment tribunal if they are dismissed or suffer any other form of detriment in doing so.</p> <p>Used when staff wish to make a disclosure to HSE about bad practice which threatens the interests of others or of HSE eg fraud</p>	<p>Anyone employed by HSE, including staff on secondment from other organisations and employees of other organisations who provide a service to HSE.</p>	<p>Line manager in the first instance. If staff do not feel able to do so, for whatever reason, they can raise the matter with their Head of Division or Director.</p> <p>If they do not wish to use these channels, individuals can raise the matter with;</p> <ul style="list-style-type: none"> • Head of HR Strategy & Policy or HR Learning & Development Division; • Head of Planning, Finance and Procurement Division; • Head of Internal Audit • Professor Sayeed Khan - contactable via HSE Secretariat
<p>Civil Service Appeals Board (CSAB) Used where staff want to appeal against:</p> <ul style="list-style-type: none"> • a refusal to allow staff to participate in political activities; • forfeiture of superannuation; • dismissal and early retirement; • non-payment of compensation or the amount of compensation paid under the Civil Service Compensation Scheme to civil servants dismissed on inefficiency 	<p>Staff who are under 60 and have completed one years continuous service, have the right of appeal to the CSAB, unless as a fixed term appointee, their letter of appointment has specifically excluded this.</p>	<p>Appellants must lodge their intention to appeal to the CSAB either before their effective date of termination or so that it is received by the CSAB Secretariat within three months of that date</p>

What and Why?	Who?	How?
<p>Civil Service Code.</p> <p>Sets behavioral standards for civil servants. Under the terms</p> <p>Allows staff to raise concerns where they believe that they are being required to act in a way which conflicts with this Code,</p> <p>Departments or Agencies must consider such concerns, and make sure individuals are not penalised for raising it. The same applies if staff become aware of actions by others which they believe conflict with this Code.</p>	<p>Any Civil Servant can raise relevant concerns about breaches of the standards the code sets.</p>	<p>HSE employees are directed to the Civil Service Code via the 'Conduct' part of the HR Guidance on the intranet.</p> <p>Any breach of the rules regarding the standard of conduct expected from staff as a civil servant could lead to disciplinary action, Staff should raise this with line managers in the first instance or HSE's Nominated Officer (Julie Dodd – HRD) if this is difficult or inappropriate.</p> <p>If staff do not receive what they consider to be a reasonable response, they may report the matter to the Civil Service Commissioners</p>

CIVIL SERVICE CODE AUDIT APRIL 2009 HIGH LEVEL MESSAGES

With the agreement of the Cabinet Secretary, the Civil Service Commissioners commissioned, in April 2009, the first full audit of work by departments and agencies to promote and uphold the values in the Civil Service Code.

The results of the audit were given in the Commissioners' Annual Report 2008-09. The Commissioners have continued their analysis of the audit returns. Detailed recommendations and examples of good practice have been identified for each of the thirty questions in the audit. From this information high level messages in four key areas have been identified.

The four key areas are: **Leadership**; **Implementation**; **Support**; and **Training**.

LEADERSHIP

- There should be a clear statement to staff from senior leaders that the department encourages and supports them in raising issues of concern.
- There should be a clear policy on how and when the Code, the values, and procedures for raising concerns are communicated.

IMPLEMENTATION

- There should be a clear procedure for raising concerns under the Code which is fully compliant with the 2006 edition of the Code.
- The procedure should make a clear distinction between concerns raised under the Code and human resources grievances.
- The policy should have appropriate and proportionate references to the Public Interest Disclosure Act (PIDA).

SUPPORT

- There should be a Nominated Officer Network that is appropriate to the organisation with particular regard to:
 - the number of staff in the organisation
 - their geographical spread
 - their grade profile - not all in the top grades of the SCS
- Nominated Officers should be provided with appropriate support with a senior HR official responsible for them.

TRAINING

- The Code and the values should be built into appropriate training at all levels from induction onwards.
- Additional training should be provided for staff with specific needs, e.g.:
 - Nominated Officers
 - HR Nominated Officer co-ordinator
 - those in identified 'high risk' areas e.g. press office, private offices