

Standards Committee

- To:** Mrs Christine Bainton (Independent Member, in the Chair)
Cllrs Horton (Vice-Chair), Waudby, Hudson and Taylor (CYC Members)
Mr A L Dixon, Mr M R Hall and Mr D Wilson (Independent Members)
Cllrs Crawford, Mellors and Forster (Parish Council Members)
- Date:** Friday, 22 October 2010
- Time:** 3.00 pm
- Venue:** The Guildhall, York

AGENDA

- 1. Declarations of Interest**
At this point, Members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.
- 2. Minutes** (Pages 3 - 10)
To approve and sign the minutes of the meeting of the Standards Committee held on 25 June 2010.
- 3. Minutes of Sub-Committees** (Pages 11 - 12)
To approve and sign the minutes of the meeting of the Standards Committee Assessment Sub-Committee held on 25 June 2010.

4. Public Participation

At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Standards Committee, may do so. The deadline for registering is **5:00 pm on Thursday, 21 October 2010.**

5. Review of Work Plan (Pages 13 - 14)

To review the work plan for the Standards Committee for the 2010/11 Municipal Year. An updated copy of the current approved work plan is attached.

6. Update on Government Proposals Relating to the Standards Regime (Pages 15 - 16)

This report provides further clarification of the Government's proposals, announced in May 2010, to introduce legislation to abolish the Standards Board Regime.

7. Complaints and Pre-hearing Procedures (Pages 17 - 20)

This report provides background on the time taken to process complaints received by the Standards Committee.

8. Whistleblowing Policy (Pages 21 - 26)

This report presents an early consultation draft of a proposed new Whistleblowing Policy for the City of York Council.

9. Urgent Business

Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democratic Services Officer responsible for this meeting:

Name: Fiona Young

Contact Details:

- Telephone – (01904) 551027
- E-mail – fiona.young@york.gov.uk

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

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- register by contacting the Democracy Officer (whose name and contact details can be found on the agenda for the meeting) **no later than 5.00 pm** on the last working day before the meeting;
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Further information about what's being discussed at this meeting

All the reports which Members will be considering are available for viewing online on the Council's website. Alternatively, copies of individual reports or the full agenda are available from Democratic Services. Contact the Democracy Officer whose name and contact details are given on the agenda for the meeting. **Please note a small charge may be made for full copies of the agenda requested to cover administration costs.**

Access Arrangements

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If you have any further access requirements such as parking close-by or a sign language interpreter then please let us know. Contact the Democracy Officer whose name and contact details are given on the order of business for the meeting.

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Holding the Executive to Account

The majority of councillors are not appointed to the Executive (38 out of 47). Any 3 non-Executive councillors can 'call-in' an item of business from a published Executive (or Executive Member Advisory Panel (EMAP)) agenda. The Executive will still discuss the 'called in' business on the published date and will set out its views for consideration by a specially convened Scrutiny Management Committee (SMC). That SMC meeting will then make its recommendations to the next scheduled Executive meeting in the following week, where a final decision on the 'called-in' business will be made.

Scrutiny Committees

The purpose of all scrutiny and ad-hoc scrutiny committees appointed by the Council is to:

- Monitor the performance and effectiveness of services;
- Review existing policies and assist in the development of new ones, as necessary; and
- Monitor best value continuous service improvement plans

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- Councillors get copies of all agenda and reports for the committees to which they are appointed by the Council;
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City of York Council

Committee Minutes

MEETING	STANDARDS COMMITTEE
DATE	25 JUNE 2010
PRESENT	MRS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLORS HORTON (VICE-CHAIR), HUDSON, TAYLOR AND, KIRK (SUBSTITUTE) (CYC MEMBERS) MR DIXON AND HALL (INDEPENDENT MEMBERS) COUNCILLORS CRAWFORD, MELLORS AND FORSTER (PARISH COUNCIL MEMBERS)
APOLOGIES	COUNCILLOR WAUDBY (CYC MEMBER) MR WILSON (INDEPENDENT MEMBER)
IN ATTENDANCE	COUNCILLOR RUNCIMAN (AS CHAIR OF MEMBER DEVELOPMENT STEERING GROUP)

PART A - MATTERS DEALT WITH UNDER DELEGATED POWERS

1. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda.

Cllr Horton declared a personal and prejudicial interest in agenda item 3 (Minutes of Sub-Committees), due to his involvement in the three cases dealt with by the sub-committees.

2. MINUTES

RESOLVED: That the minute of the Standards Committee meeting held on 22 January 2010 be approved and signed by the Chair as a correct record.

3. MINUTES OF SUB-COMMITTEES

The minutes of the following meetings of the Standards Committee Sub-Committees were approved by the relevant members and signed by the relevant Chair of each meeting as a correct record:

- Assessment Sub-Committee – meetings held on 28 January and 30 April 2010
- Review Sub-Committee – meeting held on 30 April 2010.

4. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

5. FUTURE OF THE CURRENT STANDARDS REGIME

Members considered a report which drew their attention to the announcement in the Queen's Speech that the new Government's Decentralisation and Localism bill would include proposals to 'abolish the Standards Board regime.'

Standards for England had cancelled this year's annual assembly in the light of the announcement. However, details of the proposals were not yet known and until legislation was passed the Standards Committee would continue to perform its current statutory roles. The bill was scheduled to be published in the autumn.

Members voiced concern that the abolition of Standards for England could undermine current standards and consistency. They hoped that something would be put in its place to ensure that standards were maintained

RESOLVED: (i) That authority be delegated to the Monitoring Officer, in conjunction with the Chair, to write to the appropriate government minister expressing the Committee's views as outlined above.¹

REASON: To ensure that the Committee's concerns on this matter are made known to the government before the bill is enacted.

(ii) That the Monitoring Officer be asked to keep the Committee apprised of further developments.

REASON: To ensure that the Committee can prepare for any changes to its role and continue to support the City and Parish Councils in maintaining high standards of ethical conduct.

Action Required

1. Write to government minister, as agreed

AD

6. GUIDANCE ON BLOGGING

Members considered a report which presented a quick guide to blogging and social networking, produced by Standards for England.

The recent growth in the number of councillors using new technology to interact with their constituents had resulted, in some cases, in councillors coming into conflict with the Code of Conduct. The guide, attached as Annex 1 to the report, was designed to help councillors avoid such conflicts.

RESOLVED: That the Monitoring Officer be asked to draw the guidance to the attention of City Councillors and Parish Clerks.¹

REASON: In order to support councillors who may be using, or planning to use, new technology to assist them in interacting with their constituents.

Action Required

1. Notify CYC Councillors and Parish Clerks of the guidance AD

7. CASES BEFORE THE FIRST TIER TRIBUNAL

Members considered a report which identified some key messages from cases decided recently by the First Tier Tribunal.

The First Tier Tribunal (Local Government Standards in England), previously called the Adjudication Panel, dealt with appeals from decisions of local Standards Committees and cases referred to them at first instance by an Ethical Standards Officer of Standards Committee. Nineteen decisions of the Tribunal had been reported in 2010. The decisions were fact specific and did not operate as formal precedents.

The report highlighted a number of cases involving decisions made by the Tribunal on the following issues:

- Whether a member was acting in his/her official capacity
- The right to freedom of speech versus others' rights to protection of reputation etc.
- Prejudicial interests
- Requirements to maintain confidentiality of information
- The correct sanction to impose

The Chair noted with approval a recent report in the Press indicating that members of the City of York Council's Planning Committee had declined to comment on proposals for a Community Stadium, on the grounds that they could risk prejudicing their decisions on a future application.

RESOLVED: That the report be noted and that similar reports be brought to future meetings of the Committee from time to time.

REASON: To ensure that the Committee is aware of current good practice.

8. PLANS/WORK UNDERTAKEN TO PROMOTE THE CODE

Members received a verbal update from the Monitoring Officer on work recently undertaken and planned within City of York Council to promote the Code of Conduct.

At the start of the municipal year, an e-mail had been circulated to all City of York Council Members reminding them to review and update their entries on the Register of Interests. This had yielded results and a similar reminder would be circulated to Parish Clerks. The Chair of Standards Committee and the Monitoring Officer would be meeting the Council Leader and Chief Executive shortly to discuss standards issues. Finally, the new Member Training Programme included two sessions linked to standards. Further work would follow once the future of the standards regime was known.

Members commented that they had had difficulties in amending the Register of Interests, and a technical guide would be appreciated. They also stressed the need for the training on standards issues to include practical examples.

RESOLVED: That the information provided be noted and that Officers note Members' comments thereon.

REASON: So that the Committee is aware of, and involved in, work to promote standards within the Council.

9. REVIEW OF WORK PLAN

Members reviewed the Standards Committee's work plan for the 2010/11 Municipal Year.

RESOLVED: (i) That the revised work plan (attached as an annex to these minutes) be approved.

REASON: To ensure an organised approach to the Committee's work in the current Municipal year.

(ii) That the Monitoring Officer look into the possibility of including in a future publication of the Your Ward newsletters an item on promoting the work of the Standards Committee.¹

REASON: To ensure that this information is circulated as widely as possible, including to parish councils.

Action Required

1. Look into the inclusion of an item in Your Ward, as agreed AD

PART B - MATTERS REFERRED TO COUNCIL

10. ANNUAL MONITOR OF MEMBER TRAINING AND DEVELOPMENT

Members considered a report which provided information on the take-up at events offered as part of the City of York Council's 2009/2010 core programme of Member Training and Development, together with feedback

from those who had attended these events. The Chair of the Member Development Steering Group was in attendance to present the report.

It was reported that:

- 21 non-Executive Members had achieved the minimum target of attending 8 qualifying sessions, 19 of whom had exceeded the target
- 19 non-Executive Members had not achieved the target
- 5 Executive Members had exceeded the target of attending 12 qualifying sessions and 2 Members had achieved the minimum target
- 4 non-Executive Members had not undertaken any qualifying events or activities.

A summary of feedback received was provided in paragraphs 14 to 17 of the report and in Annex A. In addition to the feedback on the sessions themselves, a number of comments had been made in relation to venues, refreshments etc.; these had been taken on board when arranging the 2010/11 programme.

It was further reported at the meeting that a provisional date of 28 September had been selected for the Council to be assessed for Charter status. A successful result would make York one of the first councils to receive the Charter. The Chair of the Steering Group, and Members of the Standards Committee, extended their thanks to Officers for their work in reaching this stage.

RECOMMENDED: That Council consider the Annual Monitor of Member Training and Development.

REASON: In order to comply with the monitoring arrangements set out in the Member Development Steering Group's Terms of Reference.

C Bainton, Chair

[The meeting started at 3.00 pm and finished at 4.10 pm].

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2009/2010 Work Plan for Standards Committee

Ongoing Activities

Local assessment of complaints
Standards Board Guidance
Member and Officer Training

<u>Item</u>	<u>Meeting Date</u>	<u>Notes</u>
Annual Report to Council	27 August 2010	
Whistle blowing policy	27 August 2010	
Report on complaints pre-hearing and hearing procedures	27 August 2010	
Viewing of DVD on complaints produced by Standards for England	27 August 2010	
Review of the Operation of Local Assessments of Complaints	22 October 2010	
Annual Review of Members' and Officers' Registers of Gifts and Hospitality and Members' Declarations of Interest	17 December 2010	
Report on complaints pre-hearing and hearing procedures	22 January 2011	

Other Items for 2010/11 Municipal Year (dates tba):

- *Update on the new Standards bill*
- *Report on promoting the work of the Standards Committee (once future of standards regime known)*
- *Review of Planning Code of Good Practice*

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City of York Council

Committee Minutes

MEETING	STANDARDS COMMITTEE ASSESSMENT SUB-COMMITTEE
DATE	25 JUNE 2010
PRESENT	MR DIXON (INDEPENDENT MEMBER, IN THE CHAIR) COUNCILLOR FORSTER (PARISH COUNCIL MEMBER) COUNCILLOR HORTON (CYC MEMBER)

1. DECLARATIONS OF INTEREST

Members were invited to declare at this point in the meeting any personal or prejudicial interests they might have in the business on the agenda. No interests were declared.

2. COMPLAINT AGAINST A MEMBER OF HEWORTH PARISH COUNCIL

The Sub-Committee considered a complaint made against a member of Heworth Parish Council.

It was alleged that the subject member had approached the complainant on several occasions in an angry and threatening manner, in breach of paragraphs 3 and 5 of the Code of Conduct.

Having considered the evidence provided in support of the complaint, it was

RESOLVED: That the matter be referred to the Monitoring Officer for investigation.

REASON: It is considered that the facts alleged, if proven, could amount to a breach of the Code of Conduct.

A Dixon, Chair

[The meeting started at 2.30 pm and finished at 2.35 pm].

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2010/11 Work Plan for Standards Committee

Ongoing Activities


Local assessment of complaints
 Standards Board Guidance
 Member and Officer Training

<u>Item</u>	<u>Meeting Date</u>	<u>Notes</u>
Annual Report to Council	27 August 2010 <i>(meeting cancelled)</i>	Annual Report received at Full Council meeting on 7/10/10
Whistle blowing policy	27 August 2010 <i>(meeting cancelled)</i>	Report on agenda for meeting on 22/10/10
Report on complaints pre-hearing and hearing procedures	27 August 2010 <i>(meeting cancelled)</i>	Report on agenda for meeting on 22/10/10
Annual Review of Members' and Officers' Registers of Gifts and Hospitality and Members' Declarations of Interest	17 December 2010	
Report on complaints pre-hearing and hearing procedures	22 January 2011	

Other Items for 2010/11 Municipal Year (dates tba):

- *Update on the new Standards bill*
- *Report on promoting the work of the Standards Committee (once future of standards regime known)*
- *Review of Planning Code of Good Practice*

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STANDARDS COMMITTEE	22 OCTOBER 2010
Report of the Monitoring Officer	

Update on Government Proposals Relating to the Standards Regime

1. Summary

- 1.1 The Government announced in May that it intended to introduce legislation to abolish the “Standards Board Regime”. This report provides further clarification of the Government’s proposals.

2. Background

- 2.1 The Government intends to introduce a Decentralisation and Localism bill during the Autumn. While, at the time of writing this report, that Bill has not yet been laid before Parliament, Government Ministers have made recent announcements which clarify some of the Bill’s likely contents.
- 2.2 When it was announced in the Queen’s Speech that the Government intended to abolish the “Standards Board Regime” there was a great deal of uncertainty as to whether that simply meant abolishing the Standards Board or whether the Government’s intention was to do something more fundamental. A recent press announcement from the Communities and Local Government department makes it clear that it is in fact the latter. That press announcement indicates that “the whole Standards Board Regime, consisting of a centrally prescribed code of conduct, Standards Committees with a power to suspend councillors and AN unelected central body, will be axed in the upcoming localism bill”.
- 2.3 The press release also indicates that there will continue to be a register of interests and that failing to register or declare an interest will become a criminal offence. The Government also intends to legislate to make it clear that councillors can campaign and vote freely on issues such as planning matters. The common law rules relating to pre-determination are therefore to be relaxed. The Local Government Ombudsman is to gain some enhanced powers, although the detail of these remain to be seen.
- 2.4 As previously reported to the committee, the Standards Board has already started to wind down its operations. The Board has recently announced that in considering whether to accept referrals from Standards Committees for investigation it will have regard to its remaining resources, although the Board has also indicated that its criteria for accepting referrals remains valid.
- 2.5 For the time being the Standards Committee will continue to have its role part set out in Statute and in the Council’s Constitution. The Committee may wish to


consider whether it needs to take any specific action to ensure that existing requirements continue to be adhered to pending their replacement. The Committee may also wish to consider, either at this meeting or a future one, whether to make recommendations as to how City and Parish Councillors in York can best be supported in meeting the new requirements going forward.

3. Recommendations

- 3.1 That the Standards Committee note this report and give consideration to the issues highlighted.

Author:	Chief Officer Responsible for the report:		
<i>Andy Docherty Monitoring Officer Ext: 1004</i>	Andy Docherty		
	Report Approved	✓	Date 12/10/10

Background papers: None

 CITY OF YORK COUNCIL	
STANDARDS COMMITTEE	22 October 2010
Report of the Monitoring Officer	

Complaints and Pre-hearing Procedures

Summary

1. This report provides background on the time taken to process complaints received by the Committee

Assessment Decisions

2. Standards for England guidance suggests that assessment decisions should be made in an average of 20 working days from the date of the complaint.
3. The following table details actual performance on cases submitted since 2009:

Case reference	Date Submitted	Date of assessment	Working days
LX2725	21/01/09	04/03/09	30
LX2739	11/02/09	04/03/09	15
LX2752	18/03/09	08/04/09	15
LX2780	05/05/09	26/06/09	38
LX2797	17/06/09	28/08/09	52
LX2802	20/07/09	28/08/09	29
LX2813	01/09/09	13/10/09	30
LX2835	27/10/09	23/11/09	19
LX2847	27/10/09	7/12/09	29
LX2870	06/01/10	28/01/10	21
LX2884	16/3//10	30/4/10	10
LX2926	21/06/10	25/06/10	5

4. The average time for completion of the assessment process during this period has therefore been closer to 24 working days although for 2010 it stands at 12.

Investigations and Hearings

5. The Guidance suggests that most investigations should be completed within six months of the assessment decision. The one investigation that has been completed since 2009 resulted in a report being submitted five months after the assessment decision.
6. The Regulations governing the work of the Standards Committee require hearings to take place within three months of the receipt of the investigator's report. The one hearing that has taken place met this requirement.

Corporate Priorities

7. The Standards Committee's management of the local assessment framework contributes to its key role in maintaining high ethical standards. This in turn is an essential part of the 'Effective Organisation' strand of the Corporate Strategy. Effective ethical governance is a key aspect of corporate governance overall which is an important priority for the Council.

Recommendations

8. That the Standards Committee note the report.

Reason: The Committee has satisfied itself as to performance levels and in light of proposed changes to the standards regime no action is required.

Contact Details


Author:	Chief Officer Responsible for the report:		
Author's name Andy Docherty Title Head of Civic Democratic and Legal Services Tel No. 01904 551004	Chief Officer's name Andy Docherty Head Civic Democratic and Legal Services		
	Report Approved	√	Date 28/09/2010
Specialist Implications Officer(s) <i>None.</i>			
Wards Affected: <i>List wards or tick box to indicate all</i>			√

Background Papers:

All relevant background papers must be listed here.

Letter from Standards for England dates 1st June 2010

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STANDARDS COMMITTEE	22 OCTOBER 2010
Report of the Monitoring Officer	

Whistleblowing Policy

Summary

1. This report presents an early consultation draft of a proposed new Whistleblowing Policy for the City of York Council.

Background

2. A recent review of the Council whistleblowing arrangements identified a number of potential areas for improvement. These included:
 - The fact that the current policy is contained in three separate documents.
 - The fact that only 78% of managers and supervisors sampled said they were aware of the policy.
 - The current policy is not fully inclusive in terms of issues that could be raised; in particular, it does not include dangers in the workplace, neglect of people in care or misreporting of performance data.
 - The existing policy was felt to go too far in restricting options for external whistleblowing.
 - The existing policy would not normally provide for whistleblowers' identities to remain confidential.
 - The policy did not give sufficient assurances to whistleblowers around protection from disciplinary action.
 - The policy gave a large number of alternative points of contact for whistleblowers, whereas best practice encourages a streamlined approach.
 - The policy encourages written concerns (preferably on the appropriate form), whereas experience suggests that most concerns are raised verbally and that it is counter-productive to require them to be submitted in writing.
3. A revised policy has therefore been prepared which takes on board these comments and a copy is attached to this report at annex 1. This early draft is being presented to the Standards Committee before it has had any widespread consultation within the Council, so that the Committee have the opportunity to indicate whether it supports the broad thrust of the suggested policy before any wider discussion takes place.

Recommendations

4. That the Committee support the draft policy going forward for wider consultation, subject to any amendments that the Committee may be minded to propose.

Reason: The existence of a well understood Whistleblowing Policy within the Council will support good governance.

Contact Details

Author	Chief Officer Responsible for the report		
Author's name: Andrew Docherty Title: Head of Civic, Democratic and Legal Services Dept Name: CBSS Tel No: ext 1004	Chief Officer's name: Andrew Docherty Title: Head of Civic, Democratic and Legal Services		
	Report Approved	√	Date 12/10/10

Background Papers

None

Annexes

Annex 1 - Draft Whistle blowing Policy

CITY OF YORK COUNCIL

WHISTLEBLOWING POLICY

1. INTRODUCTION

1.1 The City of York Council is proud of its track record of probity and high ethical standards. However, we are not complacent and we recognise that malpractice can occur. Any of us at one time or another may have concerns about what is happening at work. Most concerns are easily resolved. However, it might be more difficult to know what to do if the concern related to one of the following: -

- conduct which is an offence or a breach of the law,
- disclosures related to miscarriages of justice,
- health and safety risks, including risks to the public as well as other employees
- the abuse of a vulnerable person
- damage to the environment
- the unauthorised use of public funds
- misreporting of performance information
- possible fraud and corruption
- other unethical conduct

1.2 You may be worried about raising such issues yourself, perhaps feeling its none of your business or that it's only a suspicion. You may feel that raising the matter would be disloyal to colleagues, managers or to the organisation. You may decide to say something but find that you have spoken to the wrong person, or raised the issue in the wrong way and are not sure what to do next.

1.3 The Council wants you to feel able to raise your concerns about such malpractice at an early stage and in the right way. We would rather that you raised the matter when it is just a concern rather than wait for proof.

1.4 This Whistle-blowing Policy is primarily for concerns where the interests of others or the organisation itself are at risk. The kinds of issues described in paragraph 1.1 are obvious examples. If your concerns are about your own employment position though then it is more likely that the Grievance or the Prevention of Bullying, Harassment and Discrimination at Work Procedure should be used. You can get this from your manager, from Human Resources or the Council's intranet. Sometimes your concern may have elements of both. For example if you were being told to drive for an excessive number of hours this would affect both you and the wider community. We would prefer you to raise such concerns rather than worry about the appropriate procedure.

If in doubt-raise it!

2. OUR ASSURANCES TO YOU

2.1 Your safety

The Council are committed to this policy. If you raise a genuine concern under this policy, you will not be at risk of losing your job or suffering any form of retribution as a result. Providing you

are acting in good faith, it does not matter if you are mistaken. Of course we do not extend this assurance to someone who maliciously raises a matter they know is untrue. If you make an allegation, frivolously or for personal gain, disciplinary action may be taken against you.

2.2 Your confidence

We will not tolerate the harassment or victimisation of anyone raising a genuine concern. Disciplinary action may be taken against those who victimise a person reporting a concern.

We hope that you will feel able to raise concerns openly as this will make it much easier to resolve any issues. We also know that others may well try to deduce the source of any complaint. However we recognise that you may nonetheless want to raise a concern in confidence under this policy. If you ask us to protect your identity by keeping your confidence, we will not normally disclose it without your consent. If the situation arises where we are not able to resolve the concern without revealing your identity (for instance because your evidence is needed in court) we will discuss with you whether and how we can proceed. Despite your request for confidentiality, there may be circumstances therefore, where the Council must disclose your identity.

Anonymous complaints

- 2.3 Remember that if you do not tell us who you are, it will be much more difficult for us to look into the matter or to protect your position or to give you feedback. Accordingly, while we will consider anonymous reports, this policy is not well suited to concerns raised anonymously.

3. **HOW WE WILL HANDLE THE MATTER**

- 3.1 Once you have told us of your concern, we will look into it to assess initially what action should be taken. This may involve an internal inquiry or a more formal investigation. We will tell you who is handling the matter, how you can contact them and whether your further assistance may be needed. If you request it, we will write to you summarising your concern and setting out how we propose to handle it.
- 3.2 When you raise your concern you may be asked how you think the matter might best be resolved. If you do have any personal interest in the matter, we ask that you tell us at the outset. If your concern falls more properly within another policy we will tell you.
- 3.3 While the purpose of this policy is to enable us to investigate possible malpractice and take appropriate steps to deal with it, we will give you as much feedback as we properly can. If requested, we will confirm our response to you in writing. Please note, however, that we may not be able to tell you the precise action we take where this would infringe a duty of confidence owed by us to someone else.

4. **HOW TO RAISE A CONCERN**

- 4.1 Concerns may be raised orally or in writing. Whether a written or oral report is made it is important that relevant information is provided covering:-

- your name and a contact point. As referred to above it will be more difficult for the Council to pursue issues if concerns have been expressed anonymously.
- the background and history of the concern (giving relevant dates and names and positions of those who may have contributed to your concern.
- the reason why you are particularly concerned about the situation.

- 4.2 You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

5. HOW TO REPORT A CONCERN INTERNALLY

5.1 Step One

If you have a concern about malpractice, we hope you will feel able to raise it first with your line manager or, if not, with your Director or Assistant Director. For school based staff your head of department, headteacher [*or Chair of Governors*] would be your normal first port of call although the Director of Children's Services or his Assistant Directors would be alternative contacts for you.

- 5.2 The person receiving your disclosure will consider the nature of your concerns and decide on the most appropriate course of action.

5.3 Step Two,

If you feel unable to raise the matter with your line manager or Director, for whatever reason, or if you remain concerned having done so, please raise the matter with one of the following officers:

***[Monitoring Officer
Head of Internal Audit]***

5.4 Step Three

If the above channels have been followed, and either you or your line manager/Director still have concerns, or if you or your line manager/Director feel that the matter is so serious that you cannot discuss it with any of the above, please contact:

Chief Exec??

6. HOW TO REPORT A CONCERN EXTERNALLY

- 6.1 While we hope this policy gives you the reassurance you need to raise matters internally, we would rather you raised a matter with the appropriate regulator than not at all. Provided you are acting in good faith and you have evidence to back up your concern, you can also contact:

Audit Commission for England and Wales
Tel 020 7828 1212
www.audit.commission.gov.uk

Public interest disclosure line 0845 0522 646

Commission for Social Care Inspection
Tel 0845 015 0120
www.csci.org.uk

Health and Safety Executive
Tel 08701 545500
www.hse.gov.uk

Public Concern at Work
Tel 020 7404 6609
www.pcaw.co.uk

7. INDEPENDENT ADVICE

- 7.1 If you are unsure whether to use this policy or you want independent advice at any stage, you may contact:
- if applicable, your union; or
 - the independent charity Public Concern at Work on 020 7404 6609. Their lawyers can give you free confidential advice at any stage about how to raise a concern about serious malpractice at work.

8. SCOPE OF POLICY

- 8.1 The Policy applies to all employees of the Council and other people working for the Council such as agency staff and consultants. Elected Members and School Governors may also raise concerns through this policy.
- 8.2 The Council takes active steps to ensure that key contractors providing services on behalf of the Council have their own whistleblowing arrangements in place.
- 8.3 These procedures are in addition to the Council's Complaints Procedures and other specifically laid down statutory reporting procedures applying to some services. If the concern relates to an elected Member, this may involve a potential breach of the Members' Code of Conduct which may result in a referral to the Council's Standards Committee and this in turn could lead to either internal or external investigation.
- 8.4 This policy has been discussed with staff representatives and has their support.

9. THE RESPONSIBLE OFFICER

- 9.1 The Council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes and will report as necessary to the Standards Committee and the Council. The recording and reporting procedure will involve liaison with the officers specified in Section 5 above and will be in a form which ensures your confidentiality, subject to the discretion of the Council to waive confidentiality as stated in section 2.2 above.

10. IF YOU ARE DISSATISFIED

- 10.1 This policy is intended to provide you with an avenue within the Council to raise concerns. While we cannot guarantee that we will respond to all matters in the way that you might wish, we will try to handle the matter fairly and properly. By using this policy you will help us to achieve this. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:-
- your local Citizens Advice Bureau
 - relevant professional bodies or regulatory organisations
 - the Ombudsman