

ASHFIELD DISTRICT COUNCIL



Council Offices,
Urban Road,
Kirkby in Ashfield
Nottingham
NG17 8DA

Agenda

Standards and Personnel Appeals Committee

Date: **Monday, 27th March, 2017**

Time: **6.30 pm**

Venue: **Committee Room, Council Offices, Urban Road,
Kirkby-in-Ashfield**

For any further information please contact:

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01623 457318

STANDARDS AND PERSONNEL APPEALS COMMITTEE

Membership

Chair:

Councillor Lauren Mitchell

Councillors:

Amanda Brown
Jackie James
Lachlan Morrison
Helen-Ann Smith

Steve Carroll
Cathy Mason
Phil Rostance
Jason Zadrozny

FILMING/AUDIO RECORDING NOTICE

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SUMMONS

You are hereby requested to attend a meeting of the Standards and Personnel Appeals Committee to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



R. Mitchell
Chief Executive

AGENDA

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1. **To Receive Apologies for Absence**
2. **Declarations of Disclosable Pecuniary and Non-Disclosable Pecuniary / Other Interests**
3. **Minutes** 5 - 10
4. **Performance Special Responsibility Allowance (SRA) Guidance - Criteria, Absences - Excused and Unexcused** 11 - 32

To report the views of the IRP to the Committee and to seek approval for a proposed process for recommendation to Council
5. **Annual Constitution Review** 33 - 38

To inform the Committee of proposed changes to the Constitution and to seek the views of the Committee
6. **Annual Ethical Governance Review** 39 - 44

To give the Committee an overview of the work of the Committee in the past year
7. **Annual Review of the Whistleblowing Policy** 45 - 50

To update members in respect of the use of the policy in the past year and to review the policy
8. **Quarterly Complaints Monitoring Report** 51 - 58

To update Members regarding Members Code of Conduct Complaints

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STANDARDS AND PERSONNEL APPEALS COMMITTEE

Meeting held in the Committee Room, Council Offices, Urban Road, Kirkby-in-Ashfield,

on Monday, 12th December, 2016 at 6.30 pm

Present: Councillor Lauren Mitchell in the Chair;

Councillors Amanda Brown, Steve Carroll,
Jackie James, Cathy Mason, Lachlan Morrison,
Phil Rostance, Helen-Ann Smith and
Jason Zadrozny.

Officers Present: Vicky Dawson, Ruth Dennis and Alan Maher.

SP.12 Declarations of Disclosable and Non Disclosable / Pecuniary Other Interests

SP.13 Minutes

RESOLVED

That the minutes of the Standards and Personnel Appeals Committee held on 10 October 2016 be received and approved as a true record.

SP.14 Members' Remuneration Scheme: Performance Related Element

The Committee was reminded that the Independent Remuneration Panel had met earlier in the year to review the Members' Allowances Scheme. Following on from this review, a new scheme had been approved by Council, in July 2016.

The Panel made a number of recommendations, which had been incorporated into the scheme. In particular, it had recommended the introduction of a Performance Element (£500 of the total allowance). This meant that Members would only receive their full allowances if they had attended at least 70% of those formal meetings and training sessions, which they were required to attend.

The report from the Monitoring Officer set out the suggested process for administering Performance Element payments. Under this, Members would have to explain why they had not been able to attend a meeting or training session. If they were absent for anything other than one of reasons set out in the scheme, (such as illness or family domestic emergencies), then their absence would be classed as 'not excused' and so would not contribute to the 70% attendance figure. Conversely, when a Member made it clear that they had been absent for one of the legitimate reasons set out in the scheme then this would be classed as an 'excused absence' which would contribute

towards the number of meetings they were required to attend.

Members noted that the Committee had been given an important part to play in the process by Council. The Committee would consider annually the attendance figures for each Member. It would approve the Performance Element for those Members who had attended a sufficient number of required meetings and withhold it from those who had not.

The Committee discussed the report. There was general support for the performance related element in the allowance scheme and the requirement that this only be paid to individual Councillors if they had attended at least 70% of their required meetings and training sessions.

During the discussion a number of practical concerns were raised about the suggested process for administering the Performance Element. One of the key concerns was about the criteria for determining acceptable and unacceptable absences. A range of possible anomalies were discussed, such as what might happen to those Members who could not attend a meeting because they were Pre-Determined (or had already reached a firm conclusion on an issue and so could not reach a decision based on the information presented before them at a meeting) or had a Disclosable Pecuniary Interest.

Concern was also raised about absences that might occur when meetings are arranged at short notice and cause unavoidable diary clashes. Similarly, the Committee recognised that caring responsibilities sometimes make it difficult to attend meetings. Members also felt that there should be a requirement that those attending meetings ought to be there for at least 51% of the time in order to qualify as having attended.

The Committee discussed whether Members should be entitled to a set period of annual leave, even if this meant that they missed some meetings; rather than expect them to take their holidays only in those periods when few or no meetings were scheduled, such as the school summer holidays and half term breaks. Finally, the Committee considered whether Members who substitute at meetings ought to have these accredited to their attendance totals.

There was a consensus that the suggested process might prove difficult to administer and be disproportionately time consuming, especially given just how few Members were likely to fall below the 70% figure. The Committee felt that it might also lead to unjustifiable outcomes. Concern was expressed that those who those who had actually attended more meetings might not receive the Performance Element of their allowances, whilst those who had attended fewer meetings received the payment - because they had offered reasons that under the scheme were classed as acceptable grounds for absence.

Given the potential difficulties, the Committee felt that a simplified approach ought to be adopted, focusing on attendance at the 70% of meetings and mandatory training sessions. The reasons for non-attendance would only be investigated when a Member had not attended enough meetings. The Committee also felt that the Monitoring Officer (rather than the Committee) ought to review the reasons for non-attendance offered by Members in these circumstances, and to determine whether to withhold the Performance Element from them.

Cllr Lachlan Morrison left the meeting at 7.35pm

Members concluded that quarterly information on attendances ought to be shared with the individual Member and political group leaders. This would help to ensure that any attendance issues were addressed before they became a problem and hopefully ensure that the few Members, if any, who were at risk of falling below the 70% attendance level could be helped not to do so.

RESOLVED

- a) That the Monitoring Officer be asked to produce revised proposals for administering the performance element of the Members Allowance Scheme based on attendance at 70% of the required meetings and training sessions;
- b) That as part of the revised proposals the political group leaders be provided with quarterly update information on attendance at meetings by their Members, so that they can hopefully resolve informally any problems or reasons why they have been unable to attend;
- c) That the Monitoring Officer draws up draft criteria for the Committee to consider and approve on the acceptable grounds for absence, taking on board the points made at the meeting around caring responsibilities, holidays, substitutions and obligatory absences – such as those who have Pecuniary Interests or who are Pre-Determined.
- d) That as part of these proposals the Monitoring Officer would be responsible for reviewing the reasons for absences in line with the criteria to be agreed by the Committee and to determine if the Performance Element of their allowance payments should be paid to the individual Members in such exceptional circumstances.
- e) That the revised proposals for administering the Performance Related Element of the Members Allowances Scheme be brought to the next meeting of the Committee for consideration.

Reasons

To ensure a clear and transparent process to determine the payment of the performance element of the Members' Allowance.

SP.15 Members Code of Conduct - Declarations of Interest

Members were reminded that the Council's Code of Conduct requires them to declare Disclosable Pecuniary Interests as well as Non Disclosable Pecuniary or Other Interests. They were also told that under the Localism Act 2011, local authorities can require their Councillors to declare other interests, such as their membership of private clubs or societies. It was explained that a significant number of authorities now do this.

The report to Committee asked Members to decide whether the Council's Code of Conduct should be amended so that Councillors have to disclose membership of private clubs or societies.

The Committee discussed the report and the approach taken by other local authorities. The point was made that Councillors have to declare any relevant interests and can face legal sanctions if they do not. The Committee also recognised that this provision would be difficult to enforce, as by its very nature the information was private. At the end of the discussion the Committee concluded that, on balance, the Code of Conduct ought to be amended, to require Councillors to declare their membership of any private club or society. This would, it was felt, help to improve the openness and transparency of elected Members to local people.

RESOLVED

That the Monitoring Officer make the necessary changes to the Council's Code of Conduct to require Members to disclose their membership of private clubs or societies and for these to be presented to Council for approval.

Reasons

To enhance the openness and transparency of the Council's elected Members.

SP.16 Draft Member Development Strategy

The Committee next considered the draft Member Development Strategy. The strategy had been amended to take into account the various points made by the Committee at its last meeting. The changes included pro-forma for identifying Member training & development needs, post-course evaluation and an additional emphasis on e-learning.

The Committee welcomed the revisions to the draft strategy and agreed to support it.

RESOLVED

- a) That the Committee endorses the draft Member Development Strategy;
- b) That the draft Strategy be recommended to Council for approval.

Reasons

Member Development is important because it progresses the work of the Authority. The Member Development Strategy will help to focus resources and make the best use of Members' time.

SP.17 Quarterly Complaints Monitoring Report

The report to Committee provided information on complaints of alleged Member misconduct and the progress which had been made in assessing them, for the period 1 October 2016 to 2 December 2016.

The Committee was told that it had not been possible to resolve the first case (ADC2016-01) informally and that this would now be decided through a formal investigation. The Committee was also told that additional information would be required before an assessment could be made on the second case. If this

information had not been received by 16 December 2016 then no further action would be taken.

Finally, Members heard that a new allegation had been received involving a Parish Councillor (ADC2016-03). Information was still being gathered on this.

The Committee discussed the report. Members reiterated their concerns about the length of time which it takes to investigate complaints. In this context, specific mention was made about how long it had taken to resolve the first case. Members emphasised that the option of an informal resolution ought to be explored as soon as possible, so that any investigation could move on to the next steps, if needed. The Monitoring Officer agreed to make the necessary changes to require this as part of the forthcoming review of the Council's constitution.

Cllr Helen-Ann Smith entered the meeting at 8.07pm

The Committee also discussed the Council's process for dealing with complaints and how this compares to those used by other authorities. Members agreed that these approaches should be investigated further, to determine what lessons could be applied to Ashfield.

RESOLVED

- a) That the Monitoring Officer investigates the approach taken to complaints against Members adopted by other local authorities and assesses how the best practice from these areas might be applied to Ashfield.
- b) That the Monitoring Officer reports back her findings at the next meeting of the Committee (27 March 2017).

Reasons

To reflect good practice.

The meeting closed at 8.25 pm

Chairman.

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Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	27 MARCH 2017
Heading:	PERFORMANCE SRA GUIDANCE – CRITERIA, ABSENCES – EXCUSED AND UNEXCUSED		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject To Call-In:	NO		

Purpose Of Report

Following the recommendations contained in the report of the Independent Remuneration Panel, presented to Council in July 2016, Members of the Committee sought further clarification and guidance on the criteria for the Performance SRA.

The Performance SRA was approved as part of the final report. Members agreed that the basic allowance for Elected Members would be reduced by £500 and re-assigned annually (in arrears) to those Members who attend 70% of all of their formal meetings, including all compulsory / statutory training. This will come in to effect in the new municipal year (May 2017).

The Independent Remuneration Panel (appointed for 4 years) were asked to consider the issue further and provide clarity on how the Performance SRA would be managed. This report provides Members with the appropriate guidance to ensure that the process is fair and transparent.

Recommendation(s)

- **Members note and discuss the guidance attached as Appendix A**
- **Consider recommending the guidance to Council for approval with the addition of any further comments from the Standards and Personnel Appeals Committee**

Reasons For Recommendation(s)

The Performance SRA was approved at Council on 21 July 2016 and is due to become effective from May 2017.

Alternative Options Considered (With Reasons Why Not Adopted)

All options relating to Members allowances were considered by the Independent Remuneration Panel in 2016. Each local authority is required by the Local Government and Housing Act 1989 to have in place a Scheme for Members' Allowances. The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended), set out the requirements for the setting of this Scheme.

Detailed Information

Background

Following its approval at Council in 2016, the Standards and Personnel Appeals Committee considered the process at its meeting in December 2016 and asked for further clarification regarding the Performance SRA. The Performance SRA, as approved at Council, is due to be implemented from the start of the 2017/18 municipal year.

The Independent Remuneration Panel Recommended that;

“All Members who attend at least 70% of all their scheduled meetings and compulsory training events each year are paid an annual SRA of £500 in arrears starting in 2017/18”.

Furthermore, the Panel also recommended that;

“The Standards and Personnel (Appeals) Committee (or some other committee or persons as agreed by the Council) be given the remit to account for genuine or 'excused' absences”.

The Independent Remuneration Panel, appointed for 4 years, comprises of Dr Declan Hall, Janet Richardson and Martin Rigley MBE. As the Panel made the original recommendations and partly to bring an 'independent' perspective it was asked to provide appropriate draft guidance and criteria for excused and unexcused absences for consideration by the Standards and Personnel Appeals Committee.

Clarifications required by the Committee

In discussing the Performance SRA, at its meeting in December 2016, Members of the Standards and Personnel Appeals Committee raised a number of practical concerns about the suggested process. One of the key concerns was regarding the criteria for determining acceptable and unacceptable absences. These included;

- Illness
- Family emergency
- Carers responsibility
- Representing the Council on other boards/Committees
- Maternity / paternity
- Work commitments
- substitutions

Further comments from the Panel regarding the process included;

- Only where a Member is below 70% would the reasons for absence be considered;

- Could a minimum period of attendance at each meeting (51%) be considered?
- Quarterly reporting to ensure effected Members and groups are notified of potential issues at an early stage;
- Absence due to constituency work, County or Parish Council work should not be excused;
- The responsibility for notification of absence should be with Members and there should be a deadline of 7 days (5 working days) after the meeting to report the reason for absence;

Guidance from The Independent Remuneration Panel

As the terms of reference fall outside the 2003 Regulations and advice was being sought on what is in effect an administrative issue the Panel operated as a 'virtual' Panel. The Chair of the Panel took the lead in researching the issue, including attending a briefing session with Officers on 3rd March 2017. Subsequently a draft a report was produced by the Chair for the other Panel Members to comment upon and final agreement was reached via email.

In considering the concerns and comments of the Standards and Personnel Appeals Committee, the Panel have set out clarifications regarding the Performance SRA process in a short guidance note attached as Appendix A. This guidance provides clarity on;

- **Meetings that are counted for attendance purposes**
- **Defining Attendance**
- **Clarifying excused absences**
- **Reporting**
- **Substitutions**

In considering the guidance, Members are asked to review the information and provide any additional comments before it's consideration by Council on 20th April 2017.

Implications

Corporate Plan:

This report is presented in accordance with the Corporate Plan Priority "Organisational Improvement", Ensuring effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

Legal:

The Council has to comply with the requirements prescribed in the Members Allowances (England) Regulations 2003 and arrange to adopt a revised Allowances Scheme following recommendations from an Independent Remuneration Panel. Further independent guidance was sought from the Panel to implement the Performance SRA, approved for implementation from the start of the 2017/18 municipal year.

Finance:

There are no financial implications contained in this report.

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Human Resources / Equality and Diversity:

There are no Human Resource implications arising from this report. The guidance attached as Appendix A, have given due regard to equalities and diversity legislation, particularly with regard to childcare and dependent carer’s provision.

Other Implications:

There are no other implications arising from this report.

Reason(s) for Urgency (if applicable):

N/A

Background Papers

Independent Remuneration Report 2016

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**Guidance on the
Performance SRA:
Criteria, and Absences -
Excused and Unexcused**

For

Ashfield District Council

A Report by the

**Independent
Remuneration Panel**

**Dr Declan Hall (Chair)
Janet Richardson
Martin Rigley MBE**

March 2017

The Context

1. In the last Members' Allowances Review (see July 2016 Report) the Panel recommended that in return for a reduction of the Basic Allowance by £500 a Performance SRA of £500 be established that is paid annually in arrears only when a Member has attended 70% of their scheduled meetings and mandatory training events for that year.
2. This recommendation was accepted by the Council (21 July 2016) with an implementation date of 29 May 2017. At the same meeting it was further resolved that "the Standards and Personnel Appeals Committee be given the remit to account for genuine or 'excused' absences".
3. This remit was considered in depth by the Standards and Personnel Appeals Committee on 12 December 2016 and a number of practical considerations were raised. In particular, the Committee determined that clarity was required on how the Performance SRA would be administered and on the criteria for excused and unexcused absences. So as to obtain a wider perspective the Panel has been tasked with considering the issues raised by the Standards and Personnel Appeals Committee to enable the Monitoring Officer to report back at its next meeting on 27 March 2017.

Terms of Reference

4. As the Panel had made the original recommendation and partly to bring an 'independent' perspective it was asked to provide appropriate draft guidance and criteria for excused and unexcused absences for the Monitoring Officer to take the Standards and Personnel Appeals Committee on 27 March 2017 for its consideration.
5. In arriving at its recommendations and draft guidance the Panel was asked to take into account the issues raised by the Standards and Personnel Appeals Committee (12 December 2016).

The Panel

6. Ashfield District Council reconvened its Independent Remuneration Panel and the following Panel Members carried out its independent review; namely:
 - Dr Declan Hall: Independent consultant specialising in Members' allowances and support, former academic at the Institute of Local Government, The University of Birmingham
 - Janet Richardson: Manager of a local charity and a resident of Ashfield

- **Martin Rigley MBE**: CEO of Lindhurst a local engineering company, Chair of Skills & Employment Board Nottingham & Nottinghamshire, Chair of Advanced Engineering Local Enterprise Partnership (LEP) and a local resident
7. The Panel was supported by Mike Joy, Scrutiny Manager (including Democratic Services) at Ashfield District Council, who was the organisational lead in facilitating the work of the Panel.

Process and Methodology

8. As the terms of reference fall outside the 2003 Regulations and advice was being sought on what is in effect an administrative issue the Panel operated as a 'virtual' Panel. The Chair of the Panel took the lead in researching the issue, including attending a briefing session with Officers at the Council Offices Kirkby-in-Ashfield on 3rd March 2017. Subsequently a draft guidance was produced by the Chair for the Independent Remuneration Panel to comment on.
9. The full range of written information received and considered by the Panel is listed in the appendices as follows:
- **Appendix 1:** Draft Guidance on the Performance SRA: Definitions, Criteria, Excused and Unexcused Absences
 - **Appendix 2:** List of information and evidence that was reviewed by the Panel
 - **Appendix 3:** Officers who briefed Panel

Consideration of Issues raised by Standards & Personnel (Appeals) Committee

Purpose of the Performance SRA

10. Being a Councillor is about more than just attending meetings; the role as community leader and local champion is equally important but it is at meetings of the Council and its committees where issues are debated and formal decisions and recommendations are made. If a Member is not attending the majority of their scheduled meetings and training events they are not representing the interests of their constituents and the council in general to the best of their ability.
11. The Panel recommended the Performance SRA not as a bonus but to introduce an element of remuneration that goes some way to recognise where some Members are not demonstrably putting in as much as others. The data maintained by the Council on Members attendance shows that from 1 March 2016 to 28 February 2017 all but a handful have attended at least 70% of their scheduled meetings; before taking potentially excused absences into account. Consequently, the general presumption is that nearly all Members will qualify for the Performance and it is only equitable that the few that do not are penalised.

Taking the Issue out of Members remit

12. One of the issues raised by the Standards and Personnel Appeals Committee concerned the appropriateness of a Council Committee taking the decision what constitutes an excused and unexcused absence, in effect councillors policing councillors. Thus it was further resolved that the as part of these proposals the Monitoring Officer, rather than the Standards and Personnel (Appeals) Committee "would be responsible for reviewing the reasons for absences in line with the criteria to be agreed by the Committee and to determine if the Performance Element of their allowances payments should be paid to the individual Members in such case."
13. The Panel notes the wishes of the Standards and Personnel Appeals Committee and the recommendations contained in this report and the accompanying draft guidance have borne this in mind.

Appeals Mechanism - too burdensome

14. Yet there was a view that an appropriate council committee such as Standards and Personnel Appeals Committee should retain the right to determine appeals against a decision of the Monitoring Officer on whether a Member qualifies for an excused absence.
15. The Panel has not accepted that an appeals mechanism is required as it cuts across the overarching wish of the Standards and Personnel Appeals Committee to take the process out of Members' hands. Moreover, it would introduce an extra administrative level into the process which would make it over complicated.

Producing Quarterly Attendance Reports

16. Every quarter a summary of all Members Attendance records will be sent to relevant Group Leaders or where a Member is not part of a political group then to the individual, so they are aware of any issues on an on-going basis rather than in hindsight thus enabling them to take remedial action accordingly.

Meetings that are counted for attendance purposes

17. In line with the principle of keeping the process as straightforward and administratively simple as possible the Panel reiterates that the meetings that are to be included for attendance purposes are:
 - All scheduled meetings which a Member is scheduled to attend for each municipal year
 - All mandatory training events which a Member is required to attend

18. In deciding whether the 70% threshold has been reached thus triggering the Performance SRA all of the meetings listed above should be included in the total expected number of meetings.

Members with differential workloads - a group and individual choice

19. The latest attendance data (1 March 2016 to 28 February 2017) shows that Members have differential workloads, with expected attendance ranging from 13 to 39 meetings. This could lead to a situation where a Member is paid the Performance SRA by attending fewer meetings than another Member who is not paid the Performance SRA although the latter may have actually attended more meetings. I.e., attending 60% of 39 meetings is still attending more meeting than a Member who attends 70% of 13 meetings.
20. It is hoped that any individual who stands for Council has satisfied themselves that they are able to commit to the time required to fulfil all their duties and in particular to those committees and panels to which they are appointed and mandatory training events. Moreover, the group has the main say in determining to which committees it appoints its members.
21. Thus the Panel is not making any recommendation in this regard on the basis that workloads are the responsibility of individual Members and their respective party groups. It is beyond the remit of the Panel to make recommendations to how the Council is currently organised.

Defining Attendance - Keeping it simple

22. In making its recommendation for the Performance SRA the Panel based it on attendance at scheduled meetings and mandatory training events as it is the most simple and straightforward aspect of a Member's performance that can be measured. The Standards and Personnel Appeals Committee raised the issue of whether there should be a minimum period of attendance at each meeting for it to count. There was concern that individuals might come to the start of the meetings and then leave before the meeting had ended, sometimes for a given reason, sometimes for no given reason.
23. On the other hand, the Committee was keen to ensure that the administration of the Performance SRA is not too bureaucratic or burdensome. A view originally expressed by the Panel's Report July 2016. The expectation is that a Member will attend their meetings in full. The data shows that out of the 922 meetings that Members were scheduled to attend between 1 March 2016 and 28 February 2017 that on only 24 occasions, or 2.4%, did a Member leave before it ended. To require an attendance to be counted by being there for the whole meeting would be an over bureaucratic approach to address what is a negligible issue. **The Panel does not recommend that attendance to the end of a meeting is monitored and is not a requirement for it to count for the Performance SRA.**
24. However, at a future review the Panel will revisit the issue to ascertain whether attending meetings to the end has remained a non-issue.

Clarifying excused absences

25. In the July 2016 Report the Panel recommended that genuine or 'excused' absences were to come under the following categories:
- Illness/physical incapacity
 - Family/domestic emergency
 - Officially representing the Council in another forum
26. The Panel has set out below further clarification on what this will mean in practice.

Illness/physical incapacity

27. This category should include where a Member reports in, 'sick' either before a meeting or within 5 working days of missing a meeting. Asking for a doctor's sick note or letter to provide evidence of being ill would be too bureaucratic and the Panel is content that Members should be able to self report illness or a physical incapacity.
28. The Council has a responsibility under the Equalities Act (2010) to ensure that where a Member has a disability that they receive the support to fulfil their duties including attendance at meetings. Thus an excused absence does not include a pre-existing but relatively stable condition as in these cases the onus is on the Member and Council to ensure the Member has the necessary support to attend their scheduled meetings. If there was a detrimental or debilitating change in a pre existing condition this would come under the category of illness.
29. An excused absence due to illness/physical incapacity should be no longer than 6 months.

Family/domestic emergency

30. This should include where a Member suffers bereavement of a close family member for up to a period of 30 days. Additionally, where a close family member has an accident and an elected Member is required to visit them at a doctor's or hospital should also count as an excused absence.
31. It should also include domestic emergencies such as calamitous accidents at home e.g., flooding, home break in, or some such similar one off incident that requires immediate attention. It should not include having to wait for an appointment for a repairmen or home delivery of an item. Nor should it include caring for dependants, there is a Dependants' Carers' Allowance in place for this scenario.

Officially representing the Council in another forum

32. It is appropriate that where a Member is representing the Council in another forum, defined as those outside bodies as set out in the Constitution to which the Council is required to appoint Members or where a Member is otherwise formally required to represent the Council in an official capacity such as the Nottinghamshire Leaders Board or Nottinghamshire Police and Crime Panel (PCP) then it can count as an excused absence. On such occasions the prime onus may be on the relevant Member to ensure the interests of the Council are represented externally.
33. It should not include meetings of other Councils such as where a Member is also a Nottinghamshire County Council or Parish Council Member. It is incumbent upon the Member to ensure they have the capacity to attend meetings of all councils they may be elected to and in the case of Nottinghamshire County Council they are in receipt of a Basic Allowance from that Council in any case so that would amount to being paid twice if that was excused.
34. Nor should an excused absence include those outside bodies where a Member also receives an additional remuneration, for instance, if that became the case at the Nottinghamshire PCP.

Family Absence

35. The Panel did not address family absence in its original recommendation regarding the Performance SRA. Although, unlike in Wales, there is no statutory right to family absences for Members it does not preclude the Panel from adding this category to cover excused absences. These type of excused absences should include:

Maternity Absence

36. Where a Member has or is expecting a child it is reasonable to be excused from meetings as long as the Monitoring Officer is notified no later than 15 weeks before the expected birth or as soon as reasonably practicable.
37. The maximum period for maternity leave should be 26 weeks starting no earlier than 12 weeks from the expected birth or as soon as reasonably practicable by giving written notice to the Monitoring Officer but starting no later than the day after the day on which childbirth occurs.

Newborn Absence

38. This is where the child's father has or expects to have responsibility for the upbringing of the child, or is married to, civil partner or partner of child's mother and has or expects to have main responsibility for the upbringing of the child. A Member's entitlement to newborn leave is two consecutive weeks not beginning before the child is born or ending later than 56 days after that date.

Adopter's Absence

39. This is where the Member is the child's adopter. In this instance the Member will be entitled to two consecutive weeks excused absence starting no earlier than the date of adoption and ending no more than 56 days after that date.

New Adoption Absence

40. Where a Member is married, the civil partner or the partner of the child's adopter and has main responsibility for the upbringing of the child. Entitlement is two consecutive weeks starting no earlier than the date on which the child is placed with the child's adopter and ending no later than 56 days from that date.

Addressing Other Issues raised - unexcused absences

Sending apologies

41. Sending apologies does not constitute an excused absence; it would defeat the purpose of the original recommendation. Where a Member knows they will be unable to attend a meeting they are still expected to send their apologies.

Work commitments

42. Work commitments do not constitute excused absences. If it was the case it would mean a Member being paid twice - for their work and for non-attendance at a meeting. It is expected that Members are able schedule their work commitments around their meetings schedule as far as practically possible.

Holiday commitments

43. Again, it is expected that Members are able schedule their holiday commitments around their meetings schedule. Moreover, apart from Planning, council meetings are not scheduled during peak holiday periods.

Representing constituents

44. The Panel had some sympathy with classifying representing constituents as an excused absence but decided against it. Not only is it difficult to validate whether a Member has been called urgently to represent a constituent the Panel is also satisfied that by setting the qualifying bar for the Performance SRA at 70% attendance it creates sufficient headroom for this and other types of unexcused absences without unduly penalising Members.

Substitutes

45. The Standards and Personnel Appeals Committee specifically raised the issue of what should happen when a Member sends a substitute to a meeting they cannot make. The Panel is not recommending that where a Member sends a

substitute that it counts as an excused absence nor should it be counted as one of the annual number of meetings the substitute is scheduled to attend. If such an arrangement was in place it could be open to manipulation.

Predetermined or a declarable pecuniary interest

46. Where a Member is attending a meeting and has a predetermination or a declarable pecuniary interest they will still have to attend the meeting and step out when required and back in when the topic has been addressed. So in effect it is a non-issue, for the relevant Member their attendance at such meetings would be counted against the 70% attendance target.

Implementation

47. **The Panel recommends that the Performance SRA and accompanying Guidance are implemented from the start of the 2017/18 municipal year.**

APPENDIX 1:

Draft Guidance on the Performance SRA: Definitions, Criteria, Excused and Unexcused Absences

1. Introduction: The Performance SRA

Being a Councillor is about more than just attending meetings; the role as community leader and local champion is equally important but it is at meetings of the Council and its committees where issues are debated and formal decisions and recommendations are made. If a Member is not attending the majority of their scheduled meetings and training events they are not representing the interests of their constituents and the council in general to the best of their ability.

Consequently, a Performance SRA of £500 is paid annually in arrears only if a Member attends 70% of their

- Schedule meetings and
- Mandatory training events.

2. Role of Monitoring Officer

The payment of the Performance SRA is the responsibility of the Monitoring Officer who must be satisfied that a Member has reached the 70% threshold after taking into account any excused absences. The Monitoring Officer will also determine whether a Member who has missed one or more of their scheduled meetings and mandatory training events is given an excused absence.

3. What counts as an attendance

Where a Member is predetermined or has a declarable pecuniary interest they will be counted as being in attendance.

In determining whether 70% of scheduled meetings and mandatory training events have been attended excused absences are counted as being in attendance and unexcused absences do not count as an attendance.

4. Producing Quarterly Attendance Reports

So as to provide an early warning where a Member is not on schedule to reach the 70% attendance threshold quarterly reports are to be produced summarising each Members Attendance for that quarter. They will be sent to the relevant Group Leaders and respective Member or just to the Member if they do not belong to a political group, so they are aware of any issues regarding their attendance enabling them to take remedial action accordingly.

5. Excused Absences

There are four categories of excused absences from scheduled meetings and mandatory training events that will count towards the 70% threshold:

- Illness/physical incapacity
- Family/domestic emergency
- Officially representing the Council in another forum
- Family leave

Illness/physical incapacity

A Member is required to self report sickness, long term illness or onset of physical incapacity to the Monitoring Officer, before the relevant meeting or within 5 working days of missing a meeting.

An excused absence due to long term illness/physical incapacity can be no longer than 26 weeks.

Examples of an excused absence under this category can include:

- Flu/Cold or onset of another illness
- Incapacitating accident or other accident that requires attendance at a doctor or hospital
- Long term debilitating illness such as a chronic disease
- Detrimental change in a pre existing condition such as a physical disability

Family/domestic emergency

In the case of a death of a close family Member an elected Member can receive bereavement leave for up to a period of 30 days starting no later than the date of the funeral of the close family member on the condition that the Monitoring Officer has been notified no later than 7 days after the date of the funeral.

One off excused absences will be given for other family/domestic emergencies that include:

- An accident requiring attendance of a close family member at a doctor and/or hospital
- Calamitous accidents at home e.g., flooding, home break in, or some such similar one off incident that requires immediate attention.

Officially representing the Council in another forum

Where a Member is representing the Council in another forum, defined as those outside bodies as set out in the Constitution to which the Council is required to appoint Members or where a Member is otherwise formally required to represent

the Council in an official capacity then they are to be counted as excused absences. Examples of these types of meetings also include

- The Nottinghamshire Leaders Board
- The Nottinghamshire Police and Crime Panel (PCP)
- The LGA
- The East Midlands Regional

Family Absence

Members can apply to the Monitoring Officer for a leave of family absence under any of the 4 categories listed below:

- **Maternity Absence:**

Where a Member has a newborn child they can take maternity leave for a maximum of 26 weeks on the condition the Monitoring Officer has been given written notice no later than 15 weeks before the expected birth or as soon as reasonably practicable.

Maternity leave can be taken no earlier than the start of the sixteenth week before the expected birth and no later than 26 weeks after the date of birth.

- **Newborn Absence**

Newborn leave can be applied for via the Monitoring Officer where a Member is a newborn child's father or expects to have responsibility for the upbringing of the child, or is married to, civil partner or partner of child's mother and has or expects to have main responsibility for the upbringing of the child.

A Member's entitlement to newborn leave is two consecutive weeks not beginning before the child is born or ending later than 56 days after that date.

- **Adopter's Absence**

A Member can apply for adopter's leave where they adopt a child. The Member is entitled to two consecutive weeks of adopter's leave starting no earlier than the date of adoption and ending no more than 56 days after that date.

- **New Adoption Absence**

Where a Member is married, the civil partner or the partner of the child's adopter and has main responsibility for the upbringing of the child they can apply via the Monitoring Officer for new adoption leave. Entitlement is two consecutive weeks starting no earlier than the date on which the child is placed with the child's adopter and ending no later than 56 days from that date.

The onus is on a Member to satisfy them self and the Monitoring Officer that they meet the conditions of each of the four categories under which they may seek one

or more excused absences. They shall also inform the Monitoring Officer of any change in circumstance and/or condition as soon as practically possible.

6. Absences that are not excused

Members should note that the following are specifically excluded from being counted as excused absences:

- Meetings of other Councils such as where a Member is also a Nottinghamshire County Council or Parish Council Member.
- Meetings of any outside body that the Council may appoint a Member to and where they also receive an additional remuneration.
- Routine domestic commitments such as appointments for repair or delivery men at a Member's residence
- Caring for dependants
- Sending apologies
- Work commitments
- Holiday commitments
- Representing constituents
- Sending substitutes
- By virtue of having a pre-existing physical handicap

APPENDIX 2

LIST OF INFORMATION REVIEWED BY THE PANEL

1. Terms of Reference
2. Ashfield District Council Members' Members Allowances Scheme 2016/17
3. Ashfield District Council Publication of Members' attendance DATE
4. Minutes of Council meeting DATE
5. Minutes of Standards and Personnel Appeals Committee DATE
6. Independent Remuneration Panel, Review of Allowances, July 2016 Report
7. Copies of Members' Allowances schemes from other relevant councils where similar provisions are in place, namely:
 - Will list when I finish adding to list
8. Welsh Statutory Instrument 2013 No. 2901 (W. 280). Local Government, Wales: The Family Absence for Members of Local Authorities (Wales) Regulations 2013

APPENDIX 3

OFFICERS WHO BRIEFED THE PANEL

Ruth Dennis	Assistant Chief Executive (Governance)
Mike Joy	Scrutiny Manager
Robert Mitchell	Chief Executive

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Agenda Item 5



Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	27 MARCH 2017
Heading:	ANNUAL CONSTITUTION REVIEW		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject To Call-In:	NO		

Purpose Of Report

To report proposed changes to the Constitution to the Standards and Personnel Appeal Committee for their consideration and comment prior to being reported to the AGM of the Council in May 2017.

Recommendation(s)

To consider the proposed changes to the Council's Constitution and make comments and recommendations to Council.

Reasons For Recommendation(s)

To ensure that the Council's Constitution remains up to date and fit for purpose it is reviewed annually.

The Committee's remit includes making recommendations to Council regarding amendments to the Constitution relating to matters of an ethical governance nature.

Alternative Options Considered (With Reasons Why Not Adopted)

Do not update the Constitution. However, this would not be best practice and would reduce the value of the document, both to the Council and the wider Community as an authoritative guide to how the Council works.

Detailed Information

Constitution Review 2017

It is good practice to review the Constitution regularly and it is my practice to carry out a review annually.

The proposed changes to the Constitution are outlined below:

Part of the Constitution	Proposed Amendments
Part 1 – Summary and Explanation	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily.
Part 2 – Articles of the Constitution	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily. Article 8 – Overview and Scrutiny Committee Amendment to be made to the remit of the Committee to incorporate Housing Scrutiny as previously agreed at Council in October 2016. Article 11 – Employees Will be amended to reflect new structures subject to approval.
Part 3 Functions and Delegations	Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily. Council Functions Delegations will be amended to reflect new structure and job titles subject to approval. Training Pre-requisite Will be updated to make it clear what training is classed as mandatory. Executive Scheme of Delegation Delegations will be amended to reflect new structure and job titles. Committee Terms of Reference The remit of Overview and Scrutiny will be amended to incorporate Housing Scrutiny as previously agreed at Council in October 2016.

	<p>It is proposed to amend the Chief Officers Employment Committee remit to incorporate:</p> <ul style="list-style-type: none"> panels (of 5 members) for recruitment (instead of the full committee); detail the CEO appraisal process more clearly.
<p>Part 4 – Rules of Procedure</p>	<p>Minor changes are proposed to make corrections and ensure links are up to date to enable the public to access information more easily.</p> <p>Council Procedure Rules</p> <ul style="list-style-type: none"> <u>12 (Petitions)</u> – amended wording for clarifications purposes in line. <u>13.6 (Notice of Questions) and 14.3 (Motions on Notice)</u> - to amend the existing word “ vexatious, scurrilous or otherwise improper” with “defamatory, frivolous or offensive”. <u>27.5 – 27.10 (Substitution of Members at Meetings)</u> – it is proposed to amend the rule relating to substitution to exclude the provision to make substitutions at the Planning Committee, the Licensing Committee (and its Sub-Committees) and Standards Committee Hearings. This has been proposed for the quasi-judicial committees to ensure members are adequately trained and experienced and maintain a level of consistency of attendance. <p>Overview and Scrutiny Procedure Rules and Pre-Call in Procedure & Overview and Scrutiny Protocols Minor amendments to take account of the introduction of Housing Scrutiny.</p> <p>Financial Regulations To be amended as approved at Council in February 2017. Further changes will be proposed to clarify rules, particularly in light of direct delivery of housing functions.</p> <p>Employment Procedure Rules It is proposed to amend the Chief Officers Employment Committee remit to incorporate:</p> <ul style="list-style-type: none"> panels (of 5 members) for recruitment (instead of the full committee); detail the CEO appraisal process more clearly. <p>Petition Scheme No substantive changes proposed, some amends to ensure links and references are up to date and to provide clarification about what the Council does when presented with a petition.</p>
<p>Part 5 – Members’ Code of Conduct</p>	<ul style="list-style-type: none"> declaration of interests will be added relating to secret societies as approved at Standards and Personnel Appeals Committee in December 2016 inclusion of a schedule detailing mandatory training requirements

	<ul style="list-style-type: none"> inclusion of a clear reference to the potential sanctions for breaches of the Code in accordance with a recent audit recommendation
Part 6 – Member/Officer Protocol	No changes proposed.
Part 7 – Allowances	<ul style="list-style-type: none"> Changes to figures to incorporate annual inflation Clarifications regarding childcare provisions
Part 8 – Management Structure	New structure to be inserted subject to approval and implementation.
Part 9 – Employees Code	Amendments relating to gifts and hospitality declarations and the requirements for declaring interests for clarity following a recent systems audit.
Part 10 – Planning Code	To be updated generally.

It is intended that the detailed amendments will be presented to the AGM on 25 May 2017 for approval. The comments and recommendations of the Standards and Personnel Appeals Committee will be reported to the Council.

Implications

Corporate Plan:

Consideration of this topic contributes towards our commitment to:

- Place and Communities
- Organisational Improvement

The Council will strive to ensure effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

Legal:

In accordance with Article 14 of the Constitution, the Monitoring officer is responsible for keeping the Constitution under review. Any changes to the Constitution must be approved by the Council.

Finance:

This report will be effective once the Constitution is approved:

Budget Area	Implication
General Fund – Revenue Budget	None

General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Human Resources / Equality and Diversity:

Changes to the numbers of members required for COEC will enable a more flexible and potentially responsive Committee to convene for recruitment purposes. All Panels should attempt to be representative of the local community and have each gender represented. All Panel members will be appropriately trained to ensure fairness and compliance with the Equality Act 2010.

The Employee Code of Conduct will be amended to reflect recommendations set out in a recent Audit report regarding declaration of interests and receipt or non-acceptance of gifts and hospitality.

Other Implications:

None

Reason(s) for Urgency (if applicable):

N/A

Background Papers

None

Report Author and Contact Officer

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Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	27 MARCH 2017
Heading:	ANNUAL ETHICAL GOVERNANCE REVIEW		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject To Call-In:	NO		

Purpose Of Report

To give the Committee an overview of the work of the Standards and Personnel Appeals Committee during 2016/2017.

Recommendation(s)

1. To note the progress made in relation to the agreed work plan.
2. To consider whether to proceed with a further attempt to appoint Co-optees to the Standards and Personnel Appeals Committee.
3. To consider future work plan items.
4. To note the number and types of Member Complaints received during the year as summarised in the report.

Reasons For Recommendation(s)

To enable the Committee to carry out its role in monitoring ethical governance.

Alternative Options Considered (With Reasons Why Not Adopted)

No alternative options are considered appropriate.

Detailed Information

Work Plan – 2016/2017

At its meeting in July 2016, the Committee agreed a programme of work for the 2016/2017 year.

The table below sets out the work item, the agreed timeframes and an update in relation to the progress made.

Work Item	Timeframe	Progress
<p>1. Quarterly Complaint Update</p> <p>A report to committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members.</p>	<p>July 2016 October 2016 December 2016 March 2017</p>	<p>Reports have been submitted to each Committee meeting and Members have commented on the information provided.</p> <p>The time taken to deal with complaints remains a concern. The Monitoring Officer is trialling a slightly different approach and is training more Solicitors within the legal section to be able to deal with complaints.</p>
<p>2. Members with External Roles which Might Conflict with their Councillor Role</p> <p>Explore the potential to incorporate guidance and/or requirements into the Code of Conduct for Members who have external roles which might conflict with their Councillor role.</p>	<p>July 2016</p>	<p>The Committee considered the content of a potential guidance note at its meeting in July 2016 and then approved a guidance note for distribution at its meeting in October 2016.</p> <p>The guidance has been distributed to all Councillors and can be reissued after each election as a reminder.</p>
<p>3. Update Regarding Implementation of LGA Recommendations and assessment of the impact.</p> <p>Including an update regarding the Appointment of Co-optees and Retention of Independent Persons</p>	<p>October 2016 March 2017</p>	<p>Two attempts have been made to appoint Co-optees to the Committee with no applications being received on either occasion. See further detail below.</p> <p>The Council continues to “share” 2 Independent Persons with MDC. Both are content to remain IP’s at this time.</p>

<p>4. Member Development Strategy and Programme</p>	<p>October 2016</p>	<p>Members contributed to a Draft Strategy in October 2016 and in December 2016 recommended a Strategy for approval by Council. Council accepted the Strategy at its meeting in February 2017. The Strategy is now being rolled out.</p>
<p>5. DBS Checks for Councillors To consider best practice To consider recommending an approach and policy to Council</p>	<p>October 2016</p>	<p>The Committee considered a policy at its meeting in October 2016 and made recommendations to Council. Council approved a policy at its meeting in December 2016 and checks will commence as agreed in May 2017.</p>
<p>6. Secret Societies Explore the potential to incorporate a requirement to declare membership of secret societies into the Members' Code of Conduct. Draft for approval suggested wording for inclusion in the Code of Conduct if it is legally possible to include such a requirement for recommendation to Council.</p>	<p>December 2016</p>	<p>Committee approved an approach at its meeting in December 2016 and approved wording for inclusion in a revised Code of Conduct which will be approved at the AGM in May 2017 as part of the annual Constitution refresh.</p>
<p>7. Members' Allowances – Performance Related Element of the Basic Allowance Development of policy for approval by Council</p>	<p>December 2016 March 2017 (If required)</p>	<p>An initial report was presented to Committee in December 2016 and a further report appears on this meeting's agenda to consider approving a process for adoption at Council in April 2017.</p>
<p>8. Whistleblowing Policy Annual report to consider amendments (if required) to the policy and to monitor the application of the policy</p>	<p>March 2017</p>	<p>A report is presented to this Committee meeting elsewhere on the agenda.</p>
<p>9. Annual Review Report to consider the work of the Committee over the year compared to the Work Programme and to consider new actions.</p>	<p>March 2017</p>	<p>This report.</p>

10. Constitution Review Consideration of proposed amendments to the Constitution for recommendation to Council	March 2017	A report is presented to this Committee meeting elsewhere on the agenda.
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The Committee will note that all items have been actioned during the year as planned and that subject to the reports which appear elsewhere on this meeting's agenda the actions are completed or in progress for completion shortly.

The one outstanding issue which dates back to the LGA's recommendations in 2014 relates to the appointment of Co-opted Members to the Standards and Personnel Appeals Committee. At the AGM on 21 May 2015 the Council approved the recommendations of this Committee to appoint 2 Co-opted Members to the Standards and Personnel Appeals Committee. The Standards and Personnel Appeals Committee did not recommend their appointment as committee chair/vice-chair due to the fact that co-optees are unable to vote.

The first recruitment process was carried out during Autumn 2015. When this did not produce any applications, the Committee on 11 January 2016 confirmed that a further recruitment process should be carried out. A process took place during March/April 2016 and again no applications were received.

Committee is therefore asked to:

1. To note the progress made in relation to the agreed work plan.
2. To consider whether to proceed with a further attempt to appoint Co-optees to the Standards and Personnel Appeals Committee.
3. To consider future work plan items.

Summary of Member Complaints Received during 2016/2017

Between 1 April 2016 and 17 March 2017, as Monitoring Officer I have received **8** formal complaints (4 during 2016, 4 during 2017 to date) regarding the behaviour of Councillors. Of these 8 complaints:

- 5 complaints relate to District Councillors
- 3 complaints relate to Parish Councillors
- 3 complaints originated from members of the public
- 5 complaints were made by a fellow Parish/District Councillor
- 7 complaints related to alleged disrespect (2.1)
- 8 complaints alleged behaviour contrary to high standards of conduct (2.2)
- 2 complaints alleged bullying (2.3)
- 1 complaint alleged the behaviour brought the authority into disrepute (2.7)

Comparing the total number of complaints since 2011:

Year	Number of Complaints
2011	0

2012	13
2013	15
2014	8
2015	12
2016	4
2017 (to date)	4

The progress in relation to the complaints made during 2016/2017 is dealt with in another report presented to this Committee meeting.

Committee is therefore asked to note the number and types of Member Complaints received during the year as summarised in the report.

Implications

Corporate Plan:

This report is presented in accordance with the Corporate Plan Priority “Organisational Improvement” ensuring effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

Legal:

The local Code of Conduct and any related processes must comply with relevant legislation, including the Localism Act 2011 and earlier Local Government Acts.

Finance:

This are no financial implications associated with this report

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Human Resources / Equality and Diversity:

There are no significant Human Resource or Equality and Diversity issues relating to this report.

Other Implications:

None

Reason(s) for Urgency (if applicable):

N/A

Background Papers

N/A

Report Author and Contact Officer

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Agenda Item 7



Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	27 MARCH 2017
Heading:	ANNUAL REVIEW OF THE WHISTLEBLOWING POLICY		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject To Call-In:	NO		

Purpose Of Report

To provide the Committee with an annual update as required by paragraph 9.1 of the Council's Whistleblowing Policy.

Recommendation(s)

To note the review of the Whistleblowing Policy and how it has operated in the preceding 12 months.

Reasons For Recommendation(s)

To ensure the Committee is adequately informed to enable it to monitor the operation of the Whistleblowing Policy in accordance with the Committee's Terms of Reference as set out in Part 3, Paragraph 1.8 of the Constitution.

To ensure the policy remains up to date and fit for purpose.

Alternative Options Considered (With Reasons Why Not Adopted)

None as this is a requirement of the Constitution.

Detailed Information

The Committee last reviewed the policy at its meeting on 14 March 2016 and approved changes to the document.

Paragraph 9.1 of the Whistleblowing Policy states that:

“The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. This Officer maintains a record of concerns raised and the outcomes (in a form which does not endanger your confidentiality) and will report these to the Standards Committee once a year. The Whistleblowing Policy will also be reviewed on a bi-annual basis.”

Application of Policy

During the past 12 months there have been 2 reported incidents of whistleblowing drawn to the Monitoring Officer’s attention.

The first complaint was investigated. The complaint related to accuracy of recording of time by an employee. A disciplinary investigation was undertaken and a management instruction given on its conclusion.

A systems audit was carried out in relation to the second complaint. The complaint related to alleged flaws in systems. The audit has resulted in a number of management recommendations being made to improve the processes used in the section.

The following table sets out the application of the Whistleblowing Policy since 2010 to the present date:

YEAR	TOTAL NUMBER OF COMPLAINTS	NO FURTHER ACTION	MANAGEMENT RECOMMENDATIONS	DISCIPLINARY INVESTIGATION
2010	4	1	2	1
2011	0	N/A	N/A	N/A
2012	3	0	2	1 (action taken)
2013	1	0	0	1 (action taken)
2014	4	1	1	3 (2 with action taken)
2015	2	1	1	0
2016	2	0	1	1
2017 (to date)	0	N/A	N/A	N/A

The Committee previously asked for information regarding the types of complaints made in order to identify trends and enable the Committee, if appropriate, to make recommendations.

From the information available, the complaints can be analysed as follows:

TYPE OF COMPLAINT	NUMBER OF COMPLAINTS
Time recording failures – which challenge that flexi time, TOIL and annual leave has been taken when not accrued	6
Failure to follow systems/processes	3
Issues relating to line management	1
Working whilst off sick	1
Inappropriate comments	1
Data Protection Breach	1
Misuse of Council resources	1

As can be seen, the only recurring trend appears to be in relation to time recording by staff. In 2013 as part of an investigation, the Monitoring Officer made 10 corporate recommendations to improve time recording systems and remind staff of their responsibilities. These were implemented. Following further similar complaints in 2014, further corporate recommendations were made and reminders given to all staff about time recording.

Review of Policy

A review of the policy has been undertaken. No substantive changes are recommended.

Implications

Corporate Plan:

The Council is committed to treating its employees fairly and respectfully. The Council aims to be an employer of choice and an organisation people want to work for.

Legal:

The policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures in good faith.

Finance:

This report is effective from 27/03/2017 and has the following financial implications:

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Human Resources / Equality and Diversity:

Regular review, maintenance and consistent application of the Whistleblowing Policy infer good employment practices. As such it is important to maintain the integrity of the policy.

Other Implications:

None

Reason(s) for Urgency (if applicable):

N/A

Background Papers

Whistleblowing Policy – available on the Council’s website.

Report Author and Contact Officer

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Agenda Item 8



Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	27 MARCH 2017
Heading:	QUARTERLY COMPLAINTS MONITORING REPORT		
Portfolio Holder:	N/A		
Ward/s:	N/A		
Key Decision:	NO		
Subject To Call-In:	NO		

Purpose Of Report

This report provides an update in respect of Members' Code of Conduct complaints.

Recommendation(s)

The Committee is requested to note the updated position in respect of Members' Code of Conduct complaints as set out in the Appendix for the period commencing on 3 December 2016 to 17 March 2017.

Reasons For Recommendation(s)

To reflect good practice. To enable Members to monitor the volume and progress of complaints.

Alternative Options Considered (With Reasons Why Not Adopted)

No alternative options are considered appropriate.

Detailed Information

This report outlines in the Appendix the number of complaints of alleged Member misconduct which are outstanding and a summary overview of the status of ongoing complaints.

Complaint ADC2016-01 is now the subject of an investigation. The complaint is being investigated in house to avoid external costs. Statements are currently being taken.

No further information in relation to complaint ADC2016-02 has been received the matter has been closed.

Three new District Councillor complaints have been received and two new complaints have been received relating to Parish Councillors since the last update. Information is being gathered to enable an assessment to be made. Two of these complaints have been assessed as requiring no further action as there is insufficient evidence that the Code has been breached. Initial information is being gathered in respect of the three other complaints.

Implications

Corporate Plan:

The Council will strive to ensure effective community leadership, through good governance, transparency. Accountability and appropriate behaviours.

Legal:

There are no legal implications associated with this monitoring report.

Finance:

This report is effective from 17/03/2017 and has the following financial implications:

Budget Area	Implication
General Fund – Revenue Budget	The Authority will seek to keep costs of investigating complaints of alleged Member misconduct within the Monitoring Officers budget.
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

Human Resources / Equality and Diversity:

There are no HR or Equality and Diversity implications associated with this monitoring report.

Other Implications:

None.

Reason(s) for Urgency (if applicable):

N/A

Background Papers

None

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QUARTERLY UPDATE OF COMPLAINTS FROM 3 DECEMBER 2016 TO 17 MARCH 2017

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	LOCAL ASSESSMENT DECISION (MONITORING OFFICER IN CONSULTATION WITH INDEPENDENT PERSON)	DATE OF ASSESSMENT DECISION
ADC2016-01	6 April 2016	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.3 Bullying	Considered alternative options prior to assessment. Assessed in consultation with the Independent Person. Referred for investigation. Investigation ongoing. Interviews are taking place.	2 December 2016
ADC2016-02	25 May 2016	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.3 Bullying	Considered alternative options prior to assessment. Further information requested before assessment could be made. Information not received by deadline set.	NFA

					Complaint closed with no further action.	
ADC2016-03	22 December 2016	District Councillor	Public	2.2 Contrary to high standards of conduct. 2.7 Disrepute	Awaiting assessment Gathering outline information	
ADC2017-01	2 February 2017	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Gathering outline information including statements.	
SPC2016-01	30 November 2016	Parish Councillor	Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	Initial information collated and assessed. Complaint assessed in consultation with the IP. Insufficient evidence of a breach of the Code, no further action to be taken.	17 March 2017
SPC2017-01	16 January 2017	Parish Councillor	Public	2.1 Respect 2.2 Contrary to high standards of conduct.	Initial information collated and assessed. Complaint assessed in consultation with the IP.	17 March 2017

					Insufficient evidence of a breach of the Code, no further action to be taken.	
SPC2017-02	16 January 2017	Parish Councillor	Public	2.1 Respect 2.2 Contrary to high standards of conduct.	Awaiting assessment Gathering outline information	

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