

ASHFIELD DISTRICT COUNCIL



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

Agenda

Standards and Personnel Appeals Committee

Date: **Wednesday, 23rd March, 2022**

Time: **7.00 pm**

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

For any further information please contact:

Lynn Cain

lynn.cain@ashfield.gov.uk

01623 457317

Standards and Personnel Appeals Committee

Membership

Chairman: Councillor Lee Waters

Councillors:

Chris Baron

Christian Chapman

Warren Nuttall

Jim Blagden

David Hennigan

Helen-Ann Smith

FILMING/AUDIO RECORDING NOTICE

This meeting may be subject to filming or audio recording. If you have any queries regarding this, please contact Members' Services on 01623 457317.

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.



Theresa Hodgkinson
Chief Executive

If you require an adjustment to enable you to participate or access the meeting, please contact the Democratic Services team at least 48 hours before the meeting.

AGENDA

Page

1. **To receive apologies for absence, if any.**
2. **Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests.**
3. **To receive and approve as a correct record the minutes of the meeting of the Committee held on 8 December 2021.** 5 - 8
4. **Annual Ethical Governance Update.** 9 - 30
5. **Annual Constitution Review.** 31 - 42
6. **Whistleblowing Annual Update.** 43 - 54

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STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Wednesday, 8th December, 2021 at 7.00 pm

Present: Councillor Lee Waters in the Chair;

Councillors Chris Baron, Christian Chapman,
David Martin (as substitute for Warren Nuttall)
and Helen-Ann Smith.

Apologies for Absence: Councillors Jim Blagden, David Hennigan and
Warren Nuttall.

Officers Present: Lynn Cain, Ruth Dennis, Mike Joy and
Shane Wright.

SP.6 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

Councillor Chris Baron declared a Non-Registrable Interest in relation to Agenda No. 6 (Ethical Governance Update). His interest arose from the fact that he was involved with a current standards complaint, as detailed in the Quarterly Update of Complaints attached to the report, that had yet to be resolved.

SP.7 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 30 June 2021, be received and approved as a correct record.

SP.8 Member Development Strategy Update

The Service Manager, Scrutiny and Democratic Services presented the updated Member Development Strategy for approval. Members were reminded that the draft Strategy had already been reviewed and considered at two informal meetings of the Standards and Personnel Appeals Committee held in August and November 2021.

The Strategy was a concise document that identified the training needs of Members, thus ensuring that any individual or group training was facilitated to offer opportunities to enhance Members' skills for carrying out their roles as Councillors.

Members were aware that a pro-forma was available for them to complete (and submit to the Democratic Services team) at any time should any training needs be highlighted.

A concern was raised that Members were often not informed of events/issues that were happening in their wards and that Cabinet Members were often hijacking events at the exclusion of the Ward Members who should be representing their communities.

The Chairman also requested that the maximum 15 minutes allocated for debates on submitted petitions needed to be reviewed and the Director of Legal and Governance (and Monitoring Officer) suggested that this could be done as part of the annual Constitution review undertaken during January-April each year. Members were also reminded that they had the opportunity to give their views/suggestions on any changes to the Constitution as part of the annual review.

RESOLVED

that the updated Member Development Strategy, as presented, be agreed and recommended to Cabinet for approval.

SP.9 Use of Resources Policy

The Scrutiny Research Officer presented the report and asked Committee to consider the content of the draft Use of Resources Policy, as presented, and recommend adoption of the document by Council, as an appendix to the Members' Code of Conduct.

The draft Policy had already been extensively considered at a recent informal meeting of the Standards and Personnel Appeals Committee and the suggested changes made by Members at that meeting had now been incorporated into the final draft document, appended to the report.

Members briefly discussed the ongoing issue of Members wearing Council branded clothing during their attendance at events or outside locations and the requirement for any items to be returned to the Council after such use. Concerns were raised that the return of such items was often impracticable and unhygienic (i.e. protective footwear) and that Members often attended multiple events on a weekly basis and preferred to keep such items in their possession for ease of use.

RESOLVED that

- a) the Service Manager for Scrutiny and Democratic Services, in conjunction with the Service Manager for Risk and Emergency Planning, be requested to suitably amend the wording of Part 14 of the draft Use of Resources Policy to enable Members, in certain circumstances, to keep possession of Council branded items of clothing;

- b) as a result of (a) above and once amendments have been made to Part 14 of the Use of Resources Policy, the draft document be electronically circulated to Committee Members for consideration and then re-submitted to the next Standards and Personnel Appeals Committee in March 2021, for final sign off and subsequent recommendation to Council.

SP.10 Ethical Governance Update

(In accordance with the Members' Code of Conduct as contained in the Council's Constitution, Councillor Chris Baron had previously declared a Non-Registrable Interests in relation to this item. His interest was such that he remained in the room and took part in the discussion and voting thereon.)

As part of the Ethical Governance framework, the Director of Legal and Governance (and Monitoring Officer) gave an update regarding the following:

Politically Restricted Posts

The Council's HR Team had produced a new list of politically restricted posts which had been duly submitted to the Unions for their consideration and response. The Unions had responded with queries regarding eight posts within the list and these were currently being considered. They had also requested further discussions with officers so an update would be brought back to the Committee meeting in March 2022.

Committee was also asked to note that employees were afforded the opportunity to query their inclusion on the list if they were of the belief that their positions did not influence policy or have any involvement with Members etc.

Gifts and Hospitality

The Scrutiny Research Officer advised that in accordance with best practice recommendations, a revised declaration form for Gifts and Hospitality including a revised Guidance for Members were now attached to the report for consideration and approval.

Any declarations were now due to be publicly reported through the Council's website (as managed by the 'modern.gov' software within Democratic Services) and a quarterly report would be presented to Committee for information.

Members were also asked to note that no declarations of gifts or hospitality had been received since January 2020.

Code of Conduct Guidance

Following Council's approval and adoption of the new Member Code of Conduct, a set of guidance notes would be compiled and circulated to Members accordingly.

Members' Complaints

Five complaints had been completed since the last update with receipt of a further three new complaints. In conjunction with the Service Manager for Scrutiny and Democratic Services, new complaints were now receiving a preliminary examination at an earlier stage to swiftly eliminate any complaints that were not legitimate.

The processing of Member complaints had suffered over the last few months due to prolonged staff shortages within the Legal Team and there were three long-standing complaints that needed to now be finalised as a matter of priority.

Members considered the list of complaints as presented and officers gave updates as required. It was acknowledged that the new online form on the Council's website for submitting Members' complaints had allowed for more speedier processing and this was in conjunction with a wider review currently being undertaken regarding the Council's general complaints process.

It was hopeful that Member complaints would now be dealt with in a shorter timescale with any illegitimate or inappropriate complaints being filtered out or signposted at an earlier stage.

RESOLVED that

- a) the updates provided regarding the review of the Politically Restricted Posts list, the Code of Conduct documents and outstanding complaints, be received and noted;
- b) the revised Gifts and Hospitality guidance and declaration form, as presented, be approved with the new reporting arrangements being duly noted.

The meeting closed at 7.54 pm

Chairman.

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	23 MARCH 2022
Heading:	ANNUAL ETHICAL GOVERNANCE UPDATE
Portfolio Holder:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
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 2021/2022
- To consider work plan items for 2022/2023
- To receive an update regarding declarations of Member gifts and hospitality
- To recommend to Council for approval the Use of Resources Policy
- To note the update in relation to Member Code of Conduct complaints to date

Recommendation(s)

Committee is asked to:

1. Note the progress made in relation to the agreed 2021/22 work plan;
2. Consider future work plan items for 2022/2023;
3. Note there are no declarations of Member gifts and hospitality to report.
4. Recommend that Council approve the Use of Resources Policy as attached to the report at Appendix 1
5. Note the number of Member complaints received during 2021/22 to date as summarised in the report and the current outstanding complaints as set out in Appendix 2 to the report.

Reasons for Recommendation(s)

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

Alternative Options Considered

Options are considered within the body of the report.

Detailed Information

WORK PLAN – 2021/2022

At its meeting in June 2021, the Committee agreed a programme of work for the 2021/2022 year.

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

Work Plan Item	Timeframe	Progress
1. Quarterly Complaint Update A report to committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members.	June 2021 October 2021 December 2021 March 2022	Reports have been submitted to each Committee meeting and Members have commented on the information provided. The Committee meeting in October 2021 was cancelled; informal working groups met on a number of occasions. An update is included in this report.
2. Report of the Committee on Standards in Public Life To consider the Report of the Committee on Standards in Public Life and implementation of Best Practice Recommendations to include: <ul style="list-style-type: none">○ Revised Code of Conduct Complaints Process○ Online Register of Gifts and Hospitality, quarterly reporting	Ongoing throughout 2021/22	Reports to the Committee and informal working groups have taken place during the year. Online Register of Gifts and Hospitality and revised guidance and forms were introduced following the Committee in December 2022. Quarterly reporting has also started. The Complaints Process was considered at an informal meeting and no significant changes were identified. This work will be ongoing during 2022/2023.
3. Members Training Policy and Programme	June 2021	The Strategy was approved at the Committee meeting in December 2021.

To revise the Member Development Strategy		
<p>4. Politically Restricted Posts – Update</p> <p>To seek approval to review and update the list of politically restricted posts</p>	<p>June 2021 October 2021</p>	<p>Committee in June authorised the Monitoring Officer to revise the current list of politically restricted posts in conjunction with HR and consult with the Trade Unions and Corporate Leadership Team (CLT).</p> <p>A revised list has been presented to the Trade Unions for consultation and some queries were raised by GMB. The Monitoring Officer met with GMB and the issues were resolved.</p> <p>Due to further staffing changes, further revisions to the list are now required and as such consultation with the Trade Unions and CLT will need to take place before bringing back to Committee for approval.</p> <p>The item will be rolled forward to the 2022/23 work plan.</p>
<p>5. Use of Resources Policy</p> <p>To revisit the previously drafted (but not finalised) Policy in light of the revised Code of Conduct</p>	<p>October 2021</p>	<p>The draft policy was considered and revised and reported to the Committee in December 2021. A further query was raised by the Committee and the policy is appended to this report for approval. Further details are set out below.</p>
<p>6. Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police</p> <p>To review the Nottinghamshire Authorities Protocol with Nottinghamshire Police regarding the reporting of potential breaches of the Code of Conduct relating to Disclosable Pecuniary Interests</p>	<p>December 2021</p>	<p>This work remains outstanding.</p> <p>This item will be rolled forward to the 2022/2023 work plan.</p>
<p>7. Whistleblowing Policy</p> <p>Annual report to consider amendments (if required) to the</p>	<p>March 2022</p>	<p>A report is presented to this Committee meeting elsewhere on the agenda.</p>

policy and to monitor the application of the policy		
8. Annual Review Report to consider the work of the Committee over the year compared to the Work Plan To consider an overview of the ethical governance of the Council	March 2022	This report provides the update to Committee.
9. Constitution Review Consideration of proposed amendments to the Constitution for recommendation to Council	March 2022	A report is presented to this Committee meeting elsewhere on the agenda.

Committee is therefore asked to note the progress made in relation to the agreed work plan.

FUTURE WORK PLAN ITEMS FOR 2022/23

Work Plan items for 2021/22 are suggested below. Members may wish to suggest other items for inclusion.

Proposed Work Plan Item	Timeframe
1. Quarterly Complaint Update A report to committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members.	July 2022 October 2022 December 2023 March 2023
2. Report of the Committee on Standards in Public Life To continue to consider the Report of the Committee on Standards in Public Life and implementation of Best Practice Recommendations.	Ongoing throughout 2022/23
3. Members Training Programme To revise the Members Training Programme.	July 2022 December 2022

To consider the induction programme for members following the District Council elections in May 2023.	
4. Politically Restricted Posts – Update To seek approval to review and update the list of politically restricted posts	June 2022
5. Review of the Nottinghamshire Authorities Protocol with Nottinghamshire Police To review the Nottinghamshire Authorities Protocol with Nottinghamshire Police regarding the reporting of potential breaches of the Code of Conduct relating to Disclosable Pecuniary Interests	March 2023
6. Whistleblowing Policy Annual report to consider amendments (if required) to the policy and to monitor the application of the policy	March 2023
7. Annual Review Report to consider the work of the Committee over the year compared to the Work Plan To consider an overview of the ethical governance of the Council	March 2023
8. Constitution Review Consideration of proposed amendments to the Constitution for recommendation to Council	March 2022

Committee is therefore asked to consider the proposed work plan items for 2022/2023.

GIFTS AND HOSPITALITY

There are no declarations of Member gifts and hospitality to report.

USE OF RESOURCES POLICY

At the previous meeting of the Committee, discussions were held on the draft Use of Resources Policy, particularly regarding the use of PPE and Council branded clothing, and the following was resolved:

- a) *the Service Manager for Scrutiny and Democratic Services, in conjunction with the Service Manager for Risk and Emergency Planning, be requested to suitably amend the wording of Part 14 of the draft Use of Resources Policy to enable Members, in certain circumstances, to keep possession of Council branded items of clothing;*
- b) *as a result of (a) above and once amendments have been made to Part 14 of the draft Use of Resources Policy, the draft document be electronically circulated to Committee Members for consideration and then re-submitted to the next Standards and Personnel Appeals Committee in March 2021, for final sign off and subsequent recommendation to Council.*

The following extract from the minutes of the previous meeting highlight the discussion:

“Members briefly discussed the ongoing issue of Members wearing Council branded clothing during their attendance at events or outside locations and the requirement of any items to be returned to the Council after such use. Concerns were raised that the return of such items was often impracticable and unhygienic (i.e. protective footwear) and that Members often attended multiple events on a weekly basis and preferred to keep such items in their possession.”

Following this discussion and the resolved items, the Service Manager – Risk and Emergency Planning was contacted regarding the wording in the draft Provision of Corporate Clothing and Personal Protective Equipment Policy, which has been used for the draft Use of Resources Policy.

As a reminder, the wording is as follows:

5.3 Elected Members

5.3.1 Elected Members will be provided with appropriate corporate clothing and PPE on an ‘as needs’ basis as required by the particular circumstances and duties/functions being undertaken. All items of corporate clothing and PPE issued to Member(s) shall be returned to the Council upon completion of the relevant duty/function.

Following discussions, the Service Manager – Risk and Emergency Planning has explained that the wording used is intended to be interpreted in a flexible manner. Meaning that reference to a relevant duty is intended to mean a Councillor’s entire term of office as well as any specific event or photo opportunity.

Committee Members were contacted to provide comments on this explanation; however, no feedback has been received to date.

If the Committee is happy with the explanation provided by the Service Manager – Risk and Emergency Planning regarding the use of PPE and Council branded clothing, no further action is needed, and the draft Use of Resources Policy can be considered for approval.

The draft Use of Resources Policy is attached as **Appendix 1**

SUMMARY AND UPDATE OF MEMBER COMPLAINTS RECEIVED DURING 2021/22

I have received 6 formal complaints during 2021 and 3 during 2022 regarding the behaviour of Councillors.

Of these 9 complaints:

- 6 complaints related to District Councillors during 2021
- 3 complaints relates to District Councillors during 2022

Appendix 2 sets out the complaints in more detail.

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	18
2018	24
2019	14
2020	10
2021	6
2022	3

Committee is therefore asked to note the number of Member complaints received during 2021/22 to date as summarised in the report and the current outstanding complaints as detailed in Appendix 2.

Implications

Corporate Plan:

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council's values are:

- People Focussed
- Honest
- Proud
- Ambitious

It is important that the Council has the most effective infrastructure and support to enable:

- The delivery of the Corporate Plan
- Financial sustainability to continue to deliver key services
- A productive workforce that delivers services well

Legal:

This report is presented in accordance with the Terms of Reference for this Committee as set out in the Constitution.

Finance:

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

Risk:

Risk	Mitigation
Lack of transparency. Lack of monitoring. Failing to meet the duty of maintaining high standards of behaviour	The work plan for this Committee, the quarterly update reporting and this Annual report ensures the Council is open and transparent in the way it deals with ethical governance. The reporting and work of the Committee demonstrates the Council's commitment to maintaining high levels of ethical behaviour.

Human Resources:

There are no significant Human Resource issues identified in the report.

Environmental/Sustainability

There are no Environmental/Sustainability issues identified in this report.

Equalities:

There are no significant equalities issues identified in the report.

Other Implications:

None.

Report Author and Contact Officer

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Ashfield

DISTRICT COUNCIL

Protocol for Use of Resources by Councillors

Version:

Approved by Council:

1. INTRODUCTION

- 1.1 This protocol provides rules on the use of Council resources in relation to your role as a Councillor. The key principle underlying this protocol is that public office and public resources should not be used to further purely private or party-political purposes.

The Council provides a range of support services and facilities to enable Councillors to carry out their duties.

All Councillors must comply with the provisions of the adopted Members' Code of Conduct regarding the use of Council resources.

Council resources should be used exclusively for the purposes of Council business or to enable Councillors to carry out their Councillor role. Failure to comply with the rules set out within this protocol is likely to result in a breach of the Members' Code of Conduct.

- 1.2 As set out within the Members' Code of Conduct, as a Councillor, when using or authorising the use by others of the resources of the Council:
- 1.2.1 You act in accordance with the Authority's reasonable requirements including the requirements of the Authority's ICT policy.
- 1.2.2 You make sure that such resources are not used improperly for political purposes unless that use could reasonable be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the Authority or of the office to which you have been elected or appointed.
- 1.2.3 You have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
- 1.3 You may be provided with resources and facilities by the Council to assist you in carrying out your duties as a Councillor. Examples include:
- Office support
 - Stationery
 - Equipment such as phones, computers
 - Transport
 - Access and use of local authority buildings and rooms
- 1.4 These are given to you to help you carry out your role as a Councillor more effectively and not to be used for business or personal gain. They are to be used in accordance with the purpose for which the have been provided as set out within this Protocol.

1.5 The rules regarding the use of these resources are set out in the Schedule within this protocol.

2. WHEN THIS PROTOCOL APPLIES

2.1 Councillors may use Council facilities and resources in connection with the following Council business:

- Matters relating to the decision-making process of the Council, e.g., Council, Cabinet, and committee meetings
- Representing the Council on an outside body
- Holding ward surgeries
- Meeting, communicating, and dealing with correspondence from residents, other Councillors, Officers, Government officials, MPs etc. in connection with Council business
- Matters for discussion by a political group of the Council, so long as it relates mainly to the work of the Council and not your political party or group

3. PRINCIPLES FOR USE OF RESOURCES

3.1 Councillors must be mindful of Council resources and must always seek to conduct business in the most cost-effective way. Councillors must have regard to the need to ensure prudent and reasonable use of resources and value for money.

Party political activities or individual campaigning **do not** form part of Council business and the Council's resources must **not** be used for these activities. This includes Council email addresses. The Council is prohibited by law from publishing any material which, in whole or in part, appears to be designed to affect public support for a political party or an individual Councillor.

Use of resources for the purpose of representing individuals or small groups of residents is acceptable. However, high volume use of resources including sending out circulars and conducting wide-scale consultation exercises is not acceptable, even though these may involve Council business.

In the interests of economy and the environment, Councillors are requested to use e-mail, or to hand-deliver, instead of using post wherever possible.

The Standards and Personnel Appeals Committee is responsible for oversight of use of resources.

SCHEDULE

4. IT EQUIPMENT

- 4.1 Each Councillor is provided with appropriate equipment for their full term of office. This currently consists of an iPad tablet device and keyboard.
- 4.2 On receipt of equipment, Councillors are required to confirm that they have read the Councillors' ICT Acceptable Use Guidance.
- 4.3 Technical support for the ICT equipment provided to Councillors by the Council is available through the Council's ICT helpdesk.
- 4.4 IT user training is available on request.
- 4.5 Councillors are required to return the supplied equipment if they cease to be a Councillor or at the end of their full term in office.

5. COUNCILLOR WEBPAGES

- 5.1 The Council's website includes contact details, photograph, committee memberships, attendance information, political affiliation, and register of interests.

6. SECURITY PASS

- 6.1 Each Councillor is issued with a photo security pass to be worn at all times when in the Council Offices.
- 6.2 Each card is individually programmed to provide access to particular areas in the Council Offices.
- 6.3 Each card is programmed to enable Councillors to scan, copy, and print from the multi-function devices situated around the Council Offices.

7. COUNCIL BUILDINGS AND ROOMS

- 7.1 Council buildings and rooms should only be used for the purpose of carrying out your role as a Councillor in relation to Council business.

This includes:

- Dealing with casework
- Meeting constituents or local partners
- Preparing for and attending Council meetings
- Meeting with Council Officers

8. INCOMING MAIL

- 8.1 Each Councillor has a pigeonhole/post tray located within relevant group areas, or within the Democratic Services Office, for Council paperwork or any incoming mail received by the Council.
- 8.2 Pigeonholes/post trays should be checked and items within collected regularly.
- 8.3 If Councillors are not expected to be at the Council Offices for some time, they should discuss any specific requirements with Democratic Services.

9. OUTGOING MAIL

- 9.1 In the interests of economy, Councillors are encouraged to use email or hand-deliver mail where possible.
- 9.2 Councillors who wish to send outgoing mail by post should hand the mail to Democratic Services.
- 9.3 The Council's pre-printed windowed envelopes **must** be used in order to enable mail to be processed in accordance with the Council's contractual arrangements with Royal Mail.
- 9.4 Unless there are exceptional circumstances, outgoing mail will be sent second class.

10. STATIONERY

- 10.1 A limited range of stationery is available from Democratic Services.
- 10.2 Stationery must not be adapted to include political logos.
- 10.3 The multi-function devices are regularly restocked with printer paper, Democratic Services should be contacted to re-stock if necessary, rather than taking paper from other locations in the Council Offices.
- 10.4 Electronic versions of Councillor letterheads are available from Democratic Services.

11. PRINTING

- 11.1 Security passes enable Councillors to print, scan, and photocopy from the multi-function devices located around the Council Offices, including in the Members' Room. These are the only printing facilities available.

- 11.2 Councillors should be economical in their use of print.
- 11.3 Due to the costs associated with colour printing, Councillors should always print/copy in black and white unless colour is required to enable the document to be understood.
- 11.4 Each Councillor has a monthly print limit of £10.

12. BUSINESS CARDS

- 12.1 Councillors can request a supply of 250 business cards through the Council's Communications Team.

13. CONFERENCES, SEMINARS AND TRAINING

- 13.1 Attendance at conferences, seminars, and training events for which a fee is payable or which will incur mileage or subsistence claims must be approved in advance by the Service Manager – Scrutiny and Democratic Services in accordance with the Members Development Policy and Members' Allowances Scheme.

14. CLOTHING

- 14.1 Members may occasionally be required to wear Council clothing such as Council branded coats, high visibility items, or other protective clothing when attending events or outside locations. In these circumstances, as set out within the Council's Provision of Corporate Clothing and Personal Protective Equipment Policy:

"Members will be provided with appropriate corporate clothing and PPE on an 'as needs' basis as required by the particular circumstances and duties/functions being undertaken. All items of corporate clothing and PPE issued to Members shall be returned to the Council upon completion of the relevant duty/function."

- 14.2 Council branded clothing must not be worn for political campaigning or personal activities. Council branded clothing must only be worn at Council arranged events/photoshoots in relation to Council business.

ANNUAL UPDATE OF COMPLAINTS – AS AT 15 MARCH 2022

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
ADC2019-12	14 June 2019	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Draft report circulated to parties for comments. Responses received and being considered.	
ADC2020-03	26 June 2020	Public District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.5 Confidentiality	Discussed complaint with complainant and Independent Person, further discussions to be arranged with subject members – seeking informal resolution	
ADC2021-05	29 May 2021	Public	District Councillor	Failure to declare an interest	COMPLETE	No further action. No breach of the Code identified.

ADC2021-06	29 May 2021	Public	District Councillor	Failure to declare an interest	COMPLETE	No further action. No breach of the Code identified.
ADC2021-07	29 May 2021	Public	District Councillor	Failure to declare an interest	COMPLETE	No further action. No breach of the Code identified.
ADC2021-08	5 April 2021	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. Incorrect declaration of interest.	COMPLETE	No further action. No breach of the Code identified. Appeared to be a service complaint.
ADC2021-09	8 May 2021	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. Incorrect declaration of interest.	COMPLETE	No further action. No breach of the Code identified. Appeared to be a service complaint.

ADC2021-10	6 March 2021	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. Incorrect declaration of interest.	Ongoing discussions seeking local resolution	
ADC2021-11	6 March 2021	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. Incorrect declaration of interest.	Ongoing discussions seeking local resolution	
ADC2021-12	11 November 2021	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. Incorrect declaration of interest.	Exploring potential to resolve this locally	
ADC2021-13	13 October 2021	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. Incorrect declaration of interest.	COMPLETE	No further action. No breach of the Code identified.

ADC2021-14	13 October 2021	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. Incorrect declaration of interest.	COMPLETE	No further action. No breach of the Code identified.
ADC2022-01	02 February 2022	ADC Staff	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	COMPLETE	Letter of apology issued
ADC2022-02	08 February 2022	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct.	COMPLETE	No further action. No breach of the Code identified.
ADC2022-03	03 December 2021	Public	District Councillor	2.2 Contrary to high standards of conduct.	COMPLETE	No further action. No breach of the Code identified.

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
SPC2021-01	11 January 2021	Public	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Information gathering ongoing.	

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Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	23 MARCH 2022
Heading:	ANNUAL CONSTITUTION REVIEW
Portfolio Holder:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The purpose of this report is to detail proposed changes to the Constitution to the Standards and Personnel Appeals Committee for consideration and comment prior to being reported to the Annual Council Meeting in May 2022.

Recommendation(s)

Members of the Standards and Personnel Appeals Committee are recommended to:

- a. Consider the proposed changes to the Constitution.
- b. Consider any additional changes to the Constitution.
- c. Make comments and recommendations to the Annual Council Meeting.

Reasons for Recommendation(s)

To ensure that the Council's Constitution remains up to date and fit for purpose, it is reviewed annually. The Standards and Personnel Appeals Committee's remit includes making recommendations to Council regarding amendments to the Constitution relating to matters of an ethical governance nature.

Alternative Options Considered

Alternatively, the Council could choose not to update the Constitution. However, this would be contrary to best practice and reduce the value of the document: both to the Council and the wider community as an authoritative guide to how the Council operates.

Detailed Information

CONSTITUTION REVIEW 2022

It is good practice to review the Constitution regularly, and it is the Council's practice to carry out a set review annually.

The below table sets out proposed amendments made by Officers in line with changes to policy and legislation.

Part of the Constitution	Proposed Amendments
Part 1 – Summary	Summary and Explanation – Removed reference to virtual meetings due to changes in legislation.
Part 2 – Articles	No changes proposed.
Part 3 – Functions and Delegations	<p>Executive Functions 1.6 – The detailed delegation lists setting out the responsibilities of Portfolio Holders have been updated.</p> <p>Chief Officers responsibilities have been updated to accurately reflect the service responsibilities within each directorate.</p>
Part 4 – Rules of Procedure	<p>Council Procedure Rule 1.1 (iv) – Updated reference to declarations of disclosable pecuniary or personal interests and/or non-registerable interests.</p> <p>Council Procedure Rule 2.1 (ii) - Updated reference to declarations of disclosable pecuniary or personal interests and/or non-registerable interests.</p> <p>Council Procedure Rule 6.1 - Removed reference to virtual meetings due to changes in legislation.</p> <p>Council Procedure Rule 24.1 – Removed reference to virtual meetings due to changes in legislation.</p> <p>Access to Information Procedure Rule 3.1 – Removed reference to virtual meetings due to changes in legislation.</p> <p>Executive Procedure Rule 1.6 – Removed reference to virtual meetings due to changes in legislation.</p> <p>Contract Procedure Rules – Minor formatting updates. Job title updates.</p> <p>Minor formatting updates throughout.</p>

Part 5 – Members’ Code of Conduct	The draft Use of Resources Policy to be appended if approved by Council.
Part 6 – Member/Officer Protocol	No changes proposed.
Part 7 – Allowances	Figures have been updated in line with the recent pay award.
Part 8 – Management Structure	The Senior Management Structure chart has been updated to the most current version.
Part 9 – Employees Code	No changes proposed.
Part 10 – Planning Code	No changes proposed.

DISCUSSION POINTS

As part of the Annual Constitution Review process, all Members were contacted and given the opportunity to put forward proposals for changes to be made to the Constitution. Proposals put forward include:

Portfolio Holder Reports

A suggestion that there should be an opportunity for Members of the Council to question Portfolio Holders following the 30-minute allotted time for Portfolio Holder updates.

The rule that allows Portfolio Holders 30 minutes to provide updates is set out in Council Procedure Rule 2 (Ordinary Meeting) Part 2.1 (x) as follows:

“Receive updates from members of the Cabinet on their portfolio activity, within a maximum collective time allocation of 30 minutes.”

Petition Scheme

There has been much debate regarding the Council’s Petition Scheme, and how petitions are dealt with once they are submitted to the Council.

One suggestion has been made to lengthen the amount of time for debate on a petition that meets the signature threshold for discussion at Council. Currently, the limit for debate under these circumstances is 15 minutes.

The Petition Scheme is appended to this report as **Appendix 1** for consideration.

Questions Submitted by Members to Council

A suggestion that questions submitted by Members to the Council should be moved up the agenda to after questions from members of the public.

Currently, questions submitted by Members to the Council is listed under Council Procedure Rule 2.1 (xiii) and questions from members of the public is listed under Council Procedure Rule 2.1 (v).

Implications

Corporate Plan:

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

Legal:

In accordance with Article 13 of the Constitution, the Monitoring Officer is responsible for keeping the Constitution under review. The Monitoring Officer is delegated the authority to make minor alterations to the Constitution or make amendments to reflect in year changes. Substantive changes to the Constitution must be approved by the Council.

Finance:

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

Risk:

Risk	Mitigation
Not updating the Constitution on a regular basis would increase the risk of failing to reflect current legislation and practices which would negatively impact decision-making.	To ensure the Council’s Constitution remains up to date and fit for purpose, it is reviewed annually.

Human Resources:

There are no direct HR implications resulting from this report.

Environmental/Sustainability

There are no direct environmental/sustainability implications resulting from this report.

Equalities:

There are no direct equalities implications resulting from this report.

Other Implications:

There are no other implications resulting from this report.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

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Ashfield District Council Petition Scheme

February 2020

1. Introduction

- 1.1 This Scheme sets out details of how Ashfield District Council will deal with and respond to petitions.
- 1.2 Ashfield District Council recognises the importance of petitions as a means of engaging more meaningfully with local communities, facilitating the public to let us know about their concerns, and as a mechanism for generating service improvements.
- 1.3 The Council's Petition Scheme will be reviewed every four years.

2. What is a petition?

- 2.1 Any communication which is signed by, or sent to Ashfield District Council on behalf of a number of people who live, work, or study within Ashfield could be treated as a petition.
- 2.2 The Council will treat something as a petition if it is identified as being a petition, or if it seems that it is intended to be a petition.

3. What should a petition contain?

- 3.1 Petitions submitted to Ashfield District Council **must** include:
 - 3.1.1 A clear and concise statement covering the subject of the petition, the area to which the petition relates to, and the action the petitioners want the Council to take.
 - 3.1.2 The contact details, including the address, of the petition organiser. The Council will contact the petition organiser to explain how it will respond to the petition. The contact details of the petition organiser **will not** be published on the Council's website. If the petition does not identify a petition organiser, the Council will contact petition signatories to agree who should act as the petition organiser.
 - 3.1.3 The name, address, and signature of any person supporting the petition.

- 3.1.4 The name, address, and email address of any person supporting an e-petition through the Council's website.
- 3.1.5 Date the petition was submitted.
- 3.2 Signatures for a petition should be collected no more than 6 months before it is submitted. This ensures that issues raised within a petition are considered within an appropriate time period.

4. Exclusions

- 4.1 Submitted petitions that are determined by the Chief Executive to be vexatious, discriminatory, abusive, unreasonable, or otherwise inappropriate will not be accepted. This could include:
 - 4.1.1 **Vexatious:** The Chief Executive will take into account all circumstances of the petition with the key question of 'is the petition likely to cause distress, disruption, or irritation without any proper or justified cause?'
 - 4.1.2 **Discriminatory:** A discriminatory petition could be one that implies or states that a group of people or an area receives better, or worse, services because of that group's predominant religion, race, sex or other protected characteristic, as covered by discrimination legislation.
 - 4.1.3 **Abusive:** Petitions that are directed at individuals or their professional ability.
 - 4.1.4 **Unreasonable:** Petitions that ask the Council to act in contrary to legislation.
 - 4.1.5 **Inappropriate:** This could include petitions relating to ongoing legal proceedings, or that target individual members of a community.
 - 4.1.6 Any petition submitted to Ashfield District Council will be considered on its merits, and not based on who is submitting the petition.
- 4.2 Petitions relating to Planning or Licensing applications are not covered by the Council's Petition Scheme and will be referred to the relevant committee for consideration.
- 4.3 In the period immediately before an election or referendum, the Council may need to deal with a petition differently. If this is the case, the Council will contact the petition organiser to explain why and to discuss a revised timescale.
- 4.4 Petitions will not normally be considered if they are received within 6 months of another petition having already been considered by the Council on the same matter.
- 4.5 Ashfield District Council will only accept e-petitions submitted through its website.
- 4.6 If a petition does not follow the guidelines set out in this scheme, the Council will not accept it. The petition organiser will be contacted in this scenario with the reasons why the petition has been declined.

5. How to submit a petition

- 5.1 Paper petitions, accompanied by a covering letter identifying the key information outlined above, can be sent to:

**Democratic Services Team
Ashfield District Council
Council Offices
Urban Road
Kirkby-in-Ashfield
Nottingham
NG17 8DA**

- 5.2 Petitions can be submitted by email to: democratic.services@ashfield.gov.uk
- 5.3 Petitions submitted by email must follow the guidelines set out in this scheme.
- 5.4 Petitions can also be created and submitted as an e-petition through the Council's website. E-petitions must follow the same guidelines as paper or email petitions set out in this scheme. E-petitions can be submitted [here](#).
- 5.5 The petition organiser will need to provide the Council with their name, address, and email address.
- 5.6 E-petition organisers must set how long the petition is to be open for signatures, with a minimum period of **at least one month** and a maximum period of **6 months**.
- 5.7 Upon creating an e-petition, it may take up to **10 clear working days** before it is published on the Council's website. This is to allow the Council time to ensure the e-petition follows the guidelines set out in this scheme.
- 5.8 If the Council feels it cannot publish the petition for some reason, the petition organiser will be contacted and with the reason(s) why. The petition organiser will be offered the opportunity to make changes and resubmit an e-petition following feedback from the Council, this must be done within **10 clear working days** of the Council contacting the petition organiser.
- 5.9 Once an e-petition closes for signature, the petition organiser will receive an acknowledgement within **10 clear working days** as set out at section 6 of this scheme.
- 5.10 E-petition signatories will be asked to provide their name, postcode, and valid email address when signing an e-petition. Once this information has been submitted, an email will be sent to the provided email address to confirm the email address is valid. Once the email address has been validated, the signature will be added to the petition.
- 5.11 Anyone viewing an e-petition listed on the Council's website will be able to see the name of any signatories, but not their address or email address.
- 5.12 All e-petitions currently available for signature can be viewed on the Council's website.

- 5.13 Petitions that meet the required signatory threshold (see section 8 below) can also be presented to a meeting of the Council. These meetings take place regularly; please see the [Council's calendar of scheduled meetings here](#).
- 5.14 If you would like to present your petition to the Council, or would like your Ward Councillor or someone else to present it on your behalf, please contact the Democratic Services Team at least **10 clear working days** before the meeting.
- 5.15 Petitions presented to a meeting of the Council are subject to the thresholds set out at section 8 within this scheme.

6. What will Ashfield District Council do when it receives a petition?

- 6.1 The Council will send an acknowledgement to the petition organiser within **10 clear working days** of receiving the petition. The acknowledgement will let the petition organiser know how the Council plans to deal with the petition in accordance with this petition scheme, and when they can expect to hear from the Council again.
- 6.2 If the Council receives two or more petitions relating to the same issue(s), consideration will be given to amalgamating the signatories with the approval of the petition organisers.
- 6.3 To ensure people know what the Council is doing in response to the petitions it receives, the details of all petitions submitted to the Council will be published on the Council's website.

7. How will Ashfield District Council respond to a petition?

- 7.1 Depending on the number of people that have signed the petition, it will be dealt with in one of the following ways:
 - 7.1.1 If a petition submitted to the Council contains **between 10 and 199 signatures**, it will be responded to in accordance with [Ashfield District Council's Compliments and Complaints procedure](#).
 - 7.1.2 If a petition submitted to the Council contains **between 200 and 749 signatures**, it will be discussed at a meeting of the Council's Corporate Leadership Team. The Corporate Leadership Team will endeavour to discuss the petition within **10 clear working days** of it being submitted to the Council. Following discussion, a written response will be provided to the petition organiser within **10 clear working days**.
 - 7.1.3 If a petition submitted to the Council contains **between 750 and 1499 signatures**, it will be referred to the Overview and Scrutiny Committee for consideration. Further information on this can be found at section 8 below.
 - 7.1.4 If a petition submitted to the Council contains **over 1500 signatures**, it will be referred to Full Council for consideration and debate. Further information on this can be found at section 9 below.

- 7.2 The relevant Ward Member(s), Cabinet Members, and Officers will be informed when a petition covering their Wards/areas of responsibility is received, and how the petition will be considered.
- 7.3 If a petition is about something over which the Council has no direct control, it will consider making representations on behalf of the petitioners to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to your petition.
- 7.4 If a petition is about something that a different Council is responsible for, consideration will be given to what the more appropriate method of responding to it is. This could involve forwarding the petition to the relevant Council, but could involve other steps. The petition organiser will be informed throughout this process.

8. Overview and Scrutiny Committee consideration

- 8.1 A petition containing **between 750 and 1,499 signatures** will be considered by the Council's Overview and Scrutiny Committee.
- 8.2 The most appropriate Senior Council Officer will be invited to give evidence at a public meeting of the Overview and Scrutiny Committee relating to the issues set out in a petition.
- 8.3 The petition organiser will be permitted a total of **15 minutes** to ask up to a maximum of three questions to the Officer in attendance regarding the petition.
- 8.4 The petition organiser must provide the Service Manager – Scrutiny and Democratic Services with written notice of these questions at least **10 clear working days** before the Overview and Scrutiny Committee meeting.
- 8.5 Questions submitted as part of this process considered by the Chief Executive to be vexatious, discriminatory, abusive, unreasonable, or otherwise inappropriate will not be considered. For more information on exclusions, please refer to section 4 above.
- 8.6 Following the questions asked by the petition organiser, a further **15 minutes** will be allocated to allow discussion between Overview and Scrutiny Committee Members and the invited Officer. During this allocated time, Committee Members may seek further clarification from the petition organiser.
- 8.7 Following discussion, Members of the Overview and Scrutiny Committee may decide to approve recommendations to be submitted to a future meeting of the Council's Cabinet.

9. Council debates

- 9.1 If a petition submitted to the Council contains **more than 1,500 signatures** it will be referred to Full Council for consideration and debate. This means that the issue raised in the petition will be discussed at a meeting that all Councillors can attend.

- 9.2 If the petition has been submitted at least **10 clear working days** prior to a scheduled formal Council meeting then it may be considered at that meeting.
- 9.3 The Council will endeavour to consider the petition at its next meeting. However, on some occasions, this is not possible and consideration will take place at the following meeting. Please see [Ashfield District Council's calendar of scheduled meetings here](#).
- 9.4 Petitions will not be considered at Extraordinary Council meetings.
- 9.5 The petition organiser will be given **5 minutes** to present the petition at the meeting. The petition will then be discussed by Councillors for a maximum of **15 minutes**.
- 9.6 Several courses of action are available to Council regarding the consideration and debate of a petition, including but not limited to:
- taking the action requested in the petition
 - undertaking research into the issues raised
 - holding a meeting with the petitioners
 - holding an inquiry
 - calling for a referendum
 - giving the petition further consideration at a future Council meeting
 - referring the petition to the Overview and Scrutiny Committee

10. What can I do if I feel my petition has not been dealt with properly?

- 10.1 If you feel that the steps taken in response to your petition are not adequate, the petition organiser has the right to request that the Council's Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition.
- 10.2 A request for review must be made within **20 working days** of notification of the Council's decision on the petition.
- 10.3 The request for a review must be sent to the Democratic Services Team at democratic.services@ashfield.gov.uk.
- 10.4 A request for review must be accompanied by a short explanation of the reasons why the Council's original response is not considered adequate.
- 10.5 The Overview and Scrutiny Committee will endeavour to consider any requests for review at its next meeting, although this may not always be possible, and consideration will take place at the following meeting. Please see [Ashfield District Council's calendar of scheduled meetings here](#).
- 10.6 Should the Overview and Scrutiny Committee determine a petition has not been dealt with adequately; it may instigate an investigation, make recommendations to the Council's Cabinet, or arrange for the matter to be re-considered at a meeting of the Council.
- 10.7 Following consideration of an appeal by the Overview and Scrutiny Committee, the petition organiser will be informed of the outcome within **10 clear working days**. The outcome will also be published on the Council's website.

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	23 MARCH 2022
Heading:	WHISTLEBLOWING ANNUAL UPDATE
Portfolio Holder:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NOT APPLICABLE
Subject to Call-In:	NOT APPLICABLE

Purpose of Report

The report provides the Committee with an annual update in relation to how the Whistleblowing Policy has operated in the preceding 12 months and recommends some amendments to the Whistleblowing Policy

Recommendation(s)

Committee is asked to:

- 1. Approve the minor changes to the Whistleblowing Policy in accordance with the draft attached to the report at Appendix 1; and**
- 2. Note how the Whistleblowing Policy has operated during 2021/22.**

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 the Constitution. To ensure the Whistleblowing Policy is reviewed regularly and kept up to date.

Alternative Options Considered

The Committee may consider alternative changes to the draft policy which must be in accordance with the law and Council procedures.

Detailed Information

Whistleblowing Policy

The Council has in place a Whistleblowing Policy which sets out a process for people to confidently report concerns, such as fraud.

This policy makes it clear that people can report their concerns without fear of reprisals. Paragraph 8.1 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 (but in a form which does not endanger your confidentiality) and will report these to the Standards and Personnel Appeals Committee and the Audit Committee once a year. The Whistleblowing Policy will also be reviewed on a bi-annual basis.”

A review of the policy has been undertaken and some minor changes to the policy are recommended. The revised draft policy is attached at Appendix 1; the changes are highlighted in yellow. The recommended changes are largely to ensure clarity, in particular regarding:

- what type of complaints the policy covers;
- who can make complaints under the policy;
- how to make a complaint and to whom.

In relation to the final bullet point, the revised version updates some of the contact and link details and also removes the option of reporting complaints to the Monitoring Officer at Mansfield District Council in advance of the exit from the Shared Legal Service which will take place at the end of June 2022.

The Audit Committee will receive a Whistleblowing Update report at its meeting on 28 March 2022.

Application of Policy during the Preceding 12 Months

During the period starting April 2021 to the present, there have been **no** reported incidents of whistleblowing drawn to the Monitoring Officer’s attention.

Previous Application of Policy

The following table sets out the application of the Whistleblowing Policy for the past 7 years to the present date:

YEAR	TOTAL NUMBER OF COMPLAINTS	NO FURTHER ACTION	MANAGEMENT RECOMMENDATIONS	DISCIPLINARY/GRIEVANCE INVESTIGATION
2015	2	1	1	0
2016	2	0	1	1
2017	3	1	1	1
2018	3	1	0	2
2019	4	3	1	0

2020	1	0	1	0
2021	0	0	0	0
2022 to date	0	0	0	0

Implications

Corporate Plan:

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council's values are:

- People Focussed
- Honest
- Proud
- Ambitious

It is important that the Council has the most effective infrastructure and support to enable:

- The delivery of the Corporate Plan
- Financial sustainability to continue to deliver key services
- A productive workforce that delivers services well

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: [PH 15/03/22].

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

Risk:

Risk	Mitigation
Failure to maintain integrity and confidence in the policy and its applications.	Annual reporting to the Audit Committee and Standards and Personnel Appeals Committee. Annual update on the application of the policy. Update reporting in accordance with the policy to the Whistleblower (if identified). Identification of trends in disclosure to inform Management.

Human Resources:

Regular review, maintenance and consistent application of the Whistleblowing Policy infers good employment practices. As such it is important to maintain the integrity of the policy. [KB 15/03/2022]

Environmental/Sustainability

There are no Environmental/Sustainability issues identified in the report or the policies reviewed.

Equalities:

There are no equalities issues identified as a direct result of the report. Equalities issues would be considered as part of any whistleblowing investigation

Other Implications:

None

Report Author and Contact Officer

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Ashfield

DISTRICT COUNCIL

WHISTLEBLOWING POLICY

Director of Legal and Governance (Monitoring Officer)

APPROVED:

Audit Committee – [28 March 2022]

Standards Committee – [23 March 2022]

REVIEW:

March 2023

Version Control

Version Number	Detail
Original	January 2008
Revised V1	January 2011
Revised V2 due	1 st July 2013
Revised V2 (Website)	25 February 2014
Revised V3	14th April, 2014
Revised V4	20 July 2015
Revised V5	14 March 2016
Revised V6	28 March 2018
Revised V7	18 March 2019
Revised V8	29 July 2020
Revised V9	28 March 2022

WHISTLEBLOWING POLICY

1. Introduction

- 1.1 Employees, Councillors and the public may have concerns about some form of inappropriate conduct within the Council. Usually these concerns are easily resolved. However, when they are about unlawful conduct, financial malpractice or dangers to the public or the environment, it can be difficult to know what to do.
- 1.2 You may be worried about raising such issues or may want to keep the concerns to yourself, perhaps feeling it's 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 fear harassment or victimisation. 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.
- 1.3 Ashfield District Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we encourage employees, Councillors and the public with serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that certain cases will have to proceed on a confidential basis. This policy document makes it clear that you can do so without fear of victimisation, discrimination or disadvantage. This Whistleblowing Policy is intended to encourage and enable you to raise serious concerns within the Council rather than overlooking a problem or reporting it outside.
- 1.4 This policy applies to all employees, Councillors, partners, volunteers, contractors, suppliers and the public.

2. Aims of this Policy

- 2.1 This policy aims to:
- encourage you to feel confident in raising concerns at the earliest opportunity
 - provide avenues for you to raise concerns and receive feedback on any action taken
 - allow you to take the matter further if you are dissatisfied with the Council's response
 - reassure you that you will be protected from reprisals or victimisation if you have reasonable belief that you have made any disclosure in good faith

3. Scope of this Policy

- 3.1 In this Policy, "Whistleblowing" means:

The disclosure of information which relates to some danger, fraud or other illegal or unethical conduct connected with the workplace, be it of the employer or its employees.

- 3.2 This Policy is intended to enable those who become aware of wrongdoing in the Council affecting some other person or service, to report their concerns at the earliest opportunity.
- 3.3 The Policy is not intended to replace existing procedures:
- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or bullying / harassment procedures (in other word, personal grievances)
 - If a member of the public has a concern about services provided to them, it should be raised as a complaint to the Council
 - Complaints of misconduct by Councillors are dealt with under a separate procedure (the Monitoring Officer can advise you in relation to this process)
- 3.3 Under this Policy you should report any serious concerns that you have that:
- make you feel uncomfortable in terms of known standards
 - are not in keeping with the Council's Procedure Rules and policies
 - fall below the established standards of practice
 - amount to improper conduct

The concern may be something that relates to:

- conduct which is an offence or a breach of the law
- disclosures relating to miscarriages of justice
- deliberate breach of a Council policy or official code or regulation
- misuse of public funds or other assets
- possible fraud or corruption
- the endangering of health and safety of the public and/or other employees,
- damage to the environment
- unethical conduct
- the deliberate concealment of information which would constitute evidence of any of the above

4. Safeguards

Your Legal Rights

- 4.1 This policy has been written to take account of the Public Interest Disclosure Act 1998 which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act's provisions and in good faith.

The Act makes it unlawful for the Council to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

Rarely, a case might arise where it is the employee that has participated in the action causing concern. In such a case it is in the employee's interest to come into the open as soon as possible. The Council cannot promise not to act against such an employee, but the fact that they came forward may be taken into account.

Harassment or Victimisation

- 4.2 The Council recognises that the decision to report a concern can be a difficult one to make, not least because of the fear of reprisal from those responsible for the malpractice. The Council will not tolerate harassment or victimisation and will take action to protect you when you raise a concern in good faith. The Council's disciplinary procedures will be used against any employee who is found to be harassing or victimising the person raising the concern or who has disclosed the name of the whistleblower to any person other than those named in this document. **Disclosure or harassment of the whistleblower by a Councillor will be reported under the Members' Code of Conduct.**

Confidentiality

- 4.3 The Council will do its best to protect **your** identity when a concern is raised. During the course of an investigation attempts will be made to find independent corroborating evidence to allow **your** identity to remain confidential. However, it must be recognised that in some circumstances identities will have to be revealed to the person the allegation is made against and **you** may be asked to provide written or verbal evidence in support of the allegation. If the matter is reported to the Police or another external body they may be unable to guarantee to withhold **your** identity.
- 4.4 **Your identity will not be released until the reason for the disclosure has been discussed with you.** The Council will offer advice and guidance on the procedures and arrangements in the event of a person having to give evidence to an external body or in court.

Anonymous Allegations

- 4.5 This policy encourages you to put your name to your allegation. Concerns expressed anonymously are much less powerful, but they will be considered at the discretion of the Monitoring Officer in consultation with the Chief Executive Officer.
- 4.6 In exercising the discretion, the factors to be taken into account would include:
- the seriousness of the issues raised
 - the credibility of the concern
 - the likelihood of confirming the allegation from attributable sources

If you choose to use this method of reporting, the allegation should contain as much information as possible to ensure the allegation is considered as a credible concern that requires further investigation.

Untrue Allegations

- 4.7 If you make an allegation in good faith, but it is not confirmed by the investigation, no action will be taken against you. If, however, you make malicious or vexatious allegations appropriate action that could include disciplinary action may be taken against you. It will be a matter for the Monitoring Officer to form a view of whether an allegation has been made maliciously or vexatiously and to refer her view to the relevant Director if disciplinary action needs to be considered. **If you are a Councillor a complaint may be made under the Members' Code of Conduct.**

5. How to raise a concern

Who do you Report your Concern to?

- 5.1 This will depend on the seriousness and sensitivity of the issues involved or who is thought to be involved in the malpractice. You should normally raise concerns initially with your line manager or Director. If this is not appropriate you should contact:

Position	Contact	E-mail
Chief Executive	(01623) 457250	theresa.hodgkinson@ashfield.gov.uk
Monitoring Officer	(01623) 457009	ruth.dennis@ashfield.gov.uk

If you suspect fraud or corruption you may also approach the officer detailed below. This is consistent with the Council's Financial Regulations and the Anti-Fraud and Corruption Strategy.

Position	Contact	E-mail
Chief Finance Officer	(01623) 457362	pete.hudson@ashfield.gov.uk

How do you Report your Concerns?

- 5.2 Concerns may be raised verbally or in writing. You can raise your concerns in writing by post or e-mail, by telephone or in person. All correspondence sent by post should be addressed to the Monitoring Officer and marked 'Strictly Private and Confidential' and sent to:

**The Monitoring Officer
Ashfield District Council
Council Offices
Urban Road
Kirkby-in-Ashfield
Nottingham
NG17 8DA**

- 5.3 If your concerns are raised in writing, you should try to note all relevant details. Set out the background and history of the concern, giving names, dates and places where possible, and the reason why you are particularly concerned about the situation.

- 5.4 The earlier you express the concern, the easier it is to take action.
- 5.5 Although you are not expected to prove the truth of an allegation, you will need to demonstrate to the person contacted that there are sufficient grounds for your concern.
- 5.6 You may wish to consider raising your concern with a colleague first and you may find it easier to do so if there are two (or more) of you who have shared the same experience or concerns.
- 5.7 You may invite your trade union or professional association to raise a matter on your behalf. It is expected that in the first instance the procedure detailed at 5.1 will be followed.

6. What the Council will do

- 6.1 The action taken by the Council will depend on the nature of the concern. The matters raised may:
- be investigated internally
 - be investigated by Internal Audit (Central Midlands Audit Partnership)
 - be referred to the Police
 - be referred to the Council's external auditor
 - form the subject of an independent inquiry
- 6.2 In order to protect individuals and the Council, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. Concerns or allegations which fall within the scope of specific procedures (for example, discrimination issues) will normally be referred for consideration under those procedures. **The overriding principle which the Council will have in mind is the public interest.**
- 6.3 Some concerns may be resolved by agreed action without the need for investigation.
- 6.4 Where the concern has been raised includes a contact name and address, then within ten working days of a concern being received, the Council will write to you:
- acknowledging that the concern has been received
 - indicating how it proposes to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - telling you whether any initial enquiries have been made
 - telling you if further investigations will take place, and if not, why not
- 6.5 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, further information will be sought from you.

- 6.6 When any meeting is arranged, you have the right, if you so wish, to be accompanied by a Trade Union or professional association representative or a workplace colleague who is not involved in the area of work to which the concern relates. If you wish, the meeting may take place away from the Council Offices.
- 6.7 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings, the Council will advise you about the procedure.
- 6.8 The person investigating the concerns will produce a written report that:
- outlines the concerns/allegations
 - details the investigation procedure
 - gives the outcomes of the investigation
 - details recommendations where appropriate
- 6.9 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, you will receive information about the outcomes of any investigations.

7. How the matter can be taken further

- 7.1 This policy is intended to provide you with an avenue to raise concerns within the Council. The Council hopes you will be satisfied. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:
- A prescribed person - See Gov.uk Guidance – Whistleblowing: List of prescribed people and bodies
Website: <https://www.gov.uk/government/publications/blowing-the-whistle-list-of-prescribed-people-and-bodies--2>
 - The Comptroller and Auditor General
The Comptroller and Auditor General
National Audit Office
157-197 Buckingham Palace Road
London
SW1W 9SP
Tel: 020 7798 7999
Website: www.nao.org.uk/contact-us/whistleblowing-disclosures/
 - The independent charity Protect on Work Helpline: (020) 3117 2520
E-mail: protect-advice.org.uk/contact-protect-advice-line/
Website: www.protect-advice.org.uk
 - ACAS
Helpline number: 0300 123 1100 Monday-Friday: 8am-8pm and Saturday 9am-1pm
Website: <https://www.acas.org.uk/archive/whistleblowing>

If you raise concerns outside the Council you should ensure that it is to one of these contacts. A public disclosure to anyone else could take you outside the protection

of the Public Disclosure Act and of this Policy. **When raising a concern externally remember to make it clear that you are raising the issue as a whistleblower; this gives you additional statutory rights.**

You should not disclose information that is confidential to the Council or to anyone else, except to those included in the list of contacts.

8. The Responsible Officer

- 8.1 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 (but in a form which does not endanger your confidentiality) and will report these to the Standards and Personnel Appeals Committee and the Audit Committee once a year. The Whistleblowing Policy will also be reviewed **annually**.

DRAFT