

ASHFIELD DISTRICT COUNCIL



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

Agenda

Standards and Personnel Appeals Committee

Date: **Wednesday, 8th March, 2023**

Time: **7.00 pm**

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

For any further information please contact:

Lynn Cain

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01623 457317

Standards and Personnel Appeals Committee

Membership

Chairman: Councillor Lee Waters

Councillors:

Chris Baron

Christian Chapman

Helen-Ann Smith

Jamie Bell

Warren Nuttall

Vacancy

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.



Theresa Hodgkinson
Chief Executive

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 7 December 2022. 5 - 8
4. Annual Ethical Governance Update. 9 - 32
5. Annual Constitution Review. 33 - 38
6. Member Induction Programme 2023. 39 - 48
7. Annual Whistleblowing Policy Update. 49 - 60

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STANDARDS AND PERSONNEL APPEALS COMMITTEE

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

on Wednesday, 7th December, 2022 at 7.00 pm

Present: Councillor Helen-Ann Smith in the Chair;

Councillors Chris Baron, Christian Chapman,
Samantha Deakin, Tom Hollis and
Warren Nuttall.

Apologies for Absence: Councillors Jamie Bell and Lee Waters.
Mary Wright (Selston Parish Council
Representative).

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

In Attendance: Councillor Jason Zadrozny (Annesley & Felley
Parish Council Representative).

SP.8 Appointment of Chairman

RESOLVED

that Councillor Helen-Ann Smith be appointed as Chairman for the duration of the meeting.

SP.9 Declarations of Disclosable Pecuniary or Personal Interests and/or Non-Registrable Interests

No declarations of interest were made.

SP.10 Minutes

RESOLVED

that the minutes of the meeting of the Committee held on 29 June 2022, be received and approved as a correct record.

SP.11 Review of Members' Social Media Policy

The Scrutiny Research Officer presented the report and reminded Members that the review of the Members' Social Media Policy had been included on the Standards and Personnel Appeals Committee Workplan for 2022/2023.

It had been four years since the Policy was first adopted and Members were asked to consider any changes/additions they might wish to make. The Policy document had been appended to the report and a link to access the Local Government Association's social media guides had been sent to Members under separate cover to aid their understanding and thoughts prior to the

meeting.

Obvious minor updates had already been made to the Policy document in respect of outdated phrases etc. and following Members consideration it was intended to bring the final version back to the March meeting of the Committee prior to its submission to the Annual Meeting of the Council in May 2023 for approval.

Members considered the content of the Policy and views were divided as to whether the Policy should be finalised by existing Members in March 2023 (and ratified at the Annual Council Meeting) or held in abeyance for consideration by new Standards and Personnel Appeals Committee Members as part of their 2023/24 Workplan.

RESOLVED

that minor changes/updates be made to the current Members' Social Media Policy document for consideration at the March meeting, whereby a final decision will be taken as to its possible adoption at the Annual Council Meeting in May 2023 or its addition to the 2023/24 Standards Workplan for consideration by new Members.

SP.12 Member Induction Programme 2023

The Service Manager, Scrutiny and Democratic Services presented the report and reminded Committee that following concerns from Members regarding the protracted delivery of training during 2015 over a series of weeks, it was agreed that the training following the District Council elections in 2019 would be delivered in a condensed format over a 2-day period. This was on the whole, well received and Members were now being asked to consider what format should be adopted for training new Members following the 2023 elections.

It was acknowledged that the drop-in sessions for training Members on their iPads were not very well attended and thought needed to be given to an alternative delivery method that would better introduce Members to the use of any new IT equipment in the course of their duties.

A discussion ensued and Members made the following comments:

- the 2-day session was useful and kept Members engaged as no one training session lasted more than 45 minutes to an hour
- the condensed 2-day training session was useful to Members who worked full time as they could make proper arrangements for taking leave as required
- concerns regarding the level of information to be absorbed in a short space of time and the potential for new Members to feel overwhelmed
- suggestion that more breaks could be incorporated into the training days to allow new Members to pace their learning
- suggestion that training could be delivered simultaneously to smaller

groups of Members to enable a more informal, interactive approach

- it was acknowledged that more training would be beneficial in relation to acceptable standards of governance and Member behaviour
- the possible introduction of a dedicated intranet page for Members to offer access to pertinent documents, agendas/minutes and online training etc.
- a request for new Members to be furnished with a Glossary of Terms to aid familiarisation with local government terminology.
- officers to be aware that not all Members are familiar with IT and provision would need to be made for all levels of ability
- a request that training dates are finalised in good time and included in any candidate briefing packs.

Following the debate, the Director of Legal and Governance (and Monitoring Officer) advised that the Council was open to using different methods of training delivery including the engagement of external support if required. The Local Government Association had an array of training tools available to local authorities that could be utilised if needed.

RESOLVED that
the Service Manager, Scrutiny and Democratic Services be requested to undertake the following:

- a) to formulate a draft induction training itinerary for new Members following the District Council Elections in May 2023, based on the following criteria and to be presented to Members at the Standards and Personnel Appeals Committee meeting in March 2023:
 - the training sessions to be spread over a three day period;
 - to target training sessions to smaller groups on a rotation basis to encourage a more interactive and informal approach to learning;
 - to incorporate online training into the itinerary as required to ensure a wide range of training topics are offered to new Members;
 - incorporating regular breaks into the three-day training itinerary;
- b) to explore the provision of a new dedicated Members' intranet page to offer access to pertinent documents, agendas/minutes and online training etc. as required.

SP.13 Quarterly Complaints and Gifts and Hospitality Monitoring

The Service Manager, Scrutiny and Democratic Services presented the report and advised that since the last update four new District Councillor complaints had been received, one Selston Parish Council complaint had been received and five ongoing complaints had now been concluded and signed off by the Independent Person as to the proposed courses of action.

RESOLVED that

- a) the updated position in respect of Members' Code of Conduct complaints, as presented at Appendix A, be received and duly noted;
- b) it also be noted that no declarations of Member gifts and hospitality had been reported since the last Committee update in June 2022.

The meeting closed at 7.58 pm

Chairman.



Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	8 MARCH 2023
Heading:	ANNUAL ETHICAL GOVERNANCE UPDATE
Executive Lead Member:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NOT APPLICABLE
Subject to Call-In:	NOT APPLICABLE

Purpose of Report

- To give the Committee an overview of the work of the Standards and Personnel Appeals Committee during 2022/2023
- To consider work plan items for 2023/2024
- To receive an update regarding declarations of Member gifts and hospitality
- To note that no changes are required to the Disclosure and Barring Service (DBS) Policy
- To consider for recommendation to Council the update Members' Social Media 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 2022/23 work plan.
2. Consider future work plan items for 2023/2024.
3. Note there is 1 declaration of Member gifts and hospitality to report for 2022/23.
4. Note that no changes to the Disclosure and Barring Service (DBS) Policy (attached as Appendix 1) are required.
5. Recommend that Council approves the Members' Social Media Policy attached as Appendix 2
6. Note the number of Member complaints received during 2022/23 to date as summarised in the report and the current outstanding complaints as set out in Appendix 3 to the report.

Reasons for Recommendation(s)

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

Alternative Options Considered

There are no alternative options considered where the recommendation is for noting.

The Committee may make further suggestions in relation to the proposed work plan for 2023/24.

In respect of the Social Media Policy the Committee may suggest further changes to the Policy or decide to make no changes to the existing Policy.

Detailed Information

Work Plan – 2022/2023

At its meeting in June 2022, the Committee agreed a programme of work for the 2022/2023 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
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 2022 October 2022 December 2022 March 2023	Reports have been submitted to each Committee meeting and Members have commented on the information provided. The Committee meeting in October 2022 was cancelled. A further update is included in this report.
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	Ongoing throughout 2022/23 as required by Committee	The Report of the Committee on Standards in Public Life has been taken into account as part of all work undertaken by the Committee during the year. A report was submitted in June 2022.
Members' Training Programme To revise the Members' Training Programme	June 2022 December 2022	A report was submitted in June 2022 and also considered as part of a report in December 2022.

<p>Politically Restricted Posts – Update</p> <p>To seek approval to update the list of politically restricted posts</p>	<p>June 2022</p>	<p>The updated list was approved at Committee in June 2022.</p>
<p>Review of Members’ Social Media Policy</p> <p>To review the Members’ Social Media Policy</p>	<p>October 2022</p>	<p>A report was submitted in December 2022 (the October meeting was cancelled) and a further update is included in this report.</p>
<p>Members’ Induction Programme</p> <p>To develop Members’ Induction Programme for Post District Elections</p>	<p>October 2022 March 2023</p>	<p>A report was submitted in December 2022 (the October meeting was cancelled) and a further report appears on this agenda.</p>
<p>Review of Members’ DBS Policy</p> <p>To review the Members’ DBS Policy in advance of the District Elections</p>	<p>December 2022</p>	<p>This is included in this report for consideration.</p>
<p>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 2022</p>	<p>This has not been progressed.</p>
<p>Whistleblowing Policy Annual report</p> <p>To consider amendments (if required) to the policy and to monitor the application of the policy</p>	<p>March 2023</p>	<p>A report appears on this agenda.</p>
<p>Annual Review Report</p> <p>To consider the work of the Committee over the year compared to the Work Plan</p>	<p>March 2023</p>	<p>This report.</p>

To consider an overview of the ethical governance of the Council		
Constitution Review Consideration of proposed amendments to the Constitution for recommendation to Council	March 2023	A report appears on this agenda.

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

Future Work Plan Items – 2023/2024

Work Plan items for 2023/2024 are suggested below. Members may wish to suggest other items for inclusion.

Committee is therefore asked to consider the proposed work plan items for 2023/2024.

Proposed Work Item	Timeframe
Quarterly Update A report to Committee to keep it updated in respect of new and ongoing complaints made relating to the conduct of Members and to update Members in respect of Declarations of Gifts and Hospitality.	June 2023 October 2023 December 2023 March 2024
Members’ Training and Induction Programme To review the success of the Members’ Induction Programme and review / develop ongoing training	October 2023
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	October 2023

Review of the Members' Code of Conduct To review the Members' Code of Conduct to consider amendments.	December 2023 March 2024
Whistleblowing Policy Annual report To consider amendments (if required) to the policy and to monitor the application of the policy	March 2024
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 2024
Constitution Review Consideration of proposed amendments to the Constitution for recommendation to Council	March 2024

Gifts And Hospitality

There has been 1 declaration of Member gifts and hospitality to report for the year 2022/2023 as detailed in the Appendix 3.

Disclosure and Barring Service Checks

The current Policy on Disclosure and Barring Service (DBS) Checks for Councillors and Co-opted Members was adopted in 2019 with an effective commencement date of 13 February 2019. The Policy is attached as Appendix 1.

The Policy has been reviewed in line with current legislation to consider if changes need to be made to the Policy. In order to protect those who are most vulnerable in society, the Council adopted a policy for all Members to undergo a basic level DBS check within 2 months of taking office following election. A basic level check would disclose details of convictions and conditional cautions considered unspent under the terms of the Rehabilitation of Offenders Act 1974. The costs of the check (currently £18) are deducted from the Members' Allowances. The Policy sets out the processes and what happens if a disclosure is made as part of the check. The current policy continues to reflect existing legislation and as such no changes to the policy are considered necessary.

Committee is asked to note that no changes to the Disclosure and Barring Service (DBS) Policy (attached as Appendix 1) are required.

Members Social Media Policy

The existing Members' Social Media Policy was developed through the Standards and Personnel Appeals Committee as part of the agreed work programme for 2017/18. It was added to the 2017/18 work programme for review due to a significant number of complaints being received relating to Member use of social media.

As part of the agreed 2022/23 work programme for the Standards and Personnel Appeals Committee, Members were asked to review the Council's existing Members' Social Media Policy adopted at the Annual Council Meeting in 2018.

At the December 2022 meeting of the Committee, Members were presented with a report detailing the development of the existing Policy and the key features within. Members had the opportunity to comment on all aspects of the Policy and put forward any suggestions for changes to be made.

Committee did not recommend any significant changes to the Members' Social Media Policy at the previous meeting. The Policy has been formatted to be more in line with other policy documents developed through the Standards and Personnel Appeals Committee along with minor content changes as required.

Committee is asked to recommend that Council approves the Members' Social Media Policy attached as Appendix 2 to the report.

Summary and Update of Member Complaints Received During 2022/2023

15 formal complaints have been received during 2022 and 3 during 2023 to date regarding the behaviour of Councillors.

Of these 18 complaints:

- 15 complaints related to District Councillors during 2022
- 3 complaints relates to District Councillors during 2023

Appendix 3 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	15
2023	3

Committee is therefore asked to note the number of Member complaints received during 2022/2023 to date as summarised in the report and the current outstanding complaints as detailed in Appendix 3.

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.

The Policy on Disclosure and Barring Service (DBS) Checks for Councillors and Co-opted Members is compliant with legislation (Rehabilitation of Offenders Act 1974 and Rehabilitations of Offenders Act 1974 (Exceptions) Order 1975 as amended). [RLD 14/02/2023]

Finance:

Budget Area	Implication
General Fund – Revenue Budget	The cost of training and future Member development is to be met from the existing Training & Development budget for Members
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

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.

Reason(s) for Urgency

Not applicable

Reason(s) for Exemption

Not applicable

Background Papers

None

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Appendix 1

Policy on Disclosure and Barring Service (“DBS”) Checks for Councillors and Co-opted Members

Background

1. The effective date of commencement for this policy is 13 February 2019
2. This policy complies with the exception to the Rehabilitation of Offenders Act 1974 and with the Disclosure and Barring Service Code of Practice.
3. This policy replaces all previous policies, decisions and/or precedents relating to criminal records checks for Ashfield District Councillors.

General Principles

4. In light of the fact that Council has a duty to protect the most vulnerable in society this Policy requires all Councillors to undergo basic level DBS checks.

The Process

5. Within two months of taking office following election, all newly elected Councillors will be required to undergo a standard DBS check.
6. Checks will be processed by Democratic Services in conjunction with Human Resources following a request by the Council’s Monitoring Officer.
7. The relevant Councillor will be provided with a DBS certificate issued by the DBS. The Council will be notified of the disclosure and whether the DBS check is clear. This information will be returned to the Monitoring Officer. Where a check is not clear, for instance, it contains details of an offence, the Councillor will be required to provide a copy of the DBS certificate to the Monitoring Officer within 28 days of the date of issue of the DBS certificate, unless the content of the DBS certificate is disputed and the dispute is raised with the DBS within 3 months of the date of issue, in which case the certificate must be provided to the Monitoring Officer within 28 days following the outcome of the dispute.
8. In accordance with Section 124 of the Police Act 1997 disclosure information will only be passed to those people who are authorised to receive it in the course of their duties. The Monitoring Officer will maintain a record of the date a check was requested, the date a response was received and a ‘list’ of all those to whom the disclosure or disclosure information has been revealed together with other relevant information. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

9. Disclosure information will only be used for the specific purpose for which it is requested and for which the applicant's full consent has been given.
10. Records of the Disclosure Number will be kept electronically, along with the date of issue. Where Disclosure Information is made available this will be kept securely in lockable, non-portable containers and destroyed within six months in line with the DBS Code of Practice and the Data Protection Act.
11. Once the retention period has elapsed, any disclosure information will be destroyed by secure means. While awaiting destruction, disclosure information will remain in a lockable container. No photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure will be kept. However, as stated above, the Monitoring Officer will maintain a register of the date of the request for, and issue of, a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the detail of any decision taken as a result of the disclosure.

Portability

12. DBS certificates are not portable other than for those individuals registered with the online DBS update service.

The Use of Disclosure Information

13. The existence of a criminal record or other information revealed as a result of a standard DBS check will not debar a Councillor from holding office.
14. In the event that the disclosure information received raises issues of concern, the Chief Executive advised by the Monitoring Officer in consultation with the relevant Group Leader, will discuss with the individual Councillor the restrictions considered necessary, to safeguard children, young people and adults, on the positions held by that Councillor.

Review of the Policy

15. This policy will be reviewed every two years and updated as and when required as a result of changes in the law.



Ashfield

DISTRICT COUNCIL

Members' Social Media Policy

Version: 4.0

Approved by Council: TBD

1. INTRODUCTION

- 1.1. Social media is the term used for online tools, websites, and interactive media that enable users to interact with each other by sharing information, opinions, knowledge, and interests. This policy and guidelines cover social media issues over the internet and by email, smart phones, social networking sites, blogging, and tweeting.

Social media increases our access to audiences and improves the accessibility of our communication. It enables us to be more active in our relationships with citizens, partners, and stakeholders and encourages people to be involved in local decision making, enabling better engagement and feedback, and ultimately helping to improve the services we provide.

- 1.2. For the purposes of this policy, the term 'social media' covers sites and applications including but not restricted to Facebook, Twitter, Instagram, TikTok, YouTube, LinkedIn, blogs, discussion forums, wikis, and any sites which may emerge after the creation of this policy where Ashfield District Council could be represented via online participation.
- 1.3. Ashfield District Council acknowledges social media as a useful tool. However, clear guidelines are needed for the use of social media sites to ensure they are used effectively as part of a wider communications mix and that their use does not expose the Council to security risks, reputational damage, or breach the Data Protection Act.

2. POLICY STATEMENT

- 2.1. This policy provides a structured approach to using social media and will ensure that it is effective, lawful, and does not compromise Council information or computer systems/networks.

Users must ensure that they use social media sensibly and responsibly, in line with corporate policy. They must ensure that their use will not adversely affect the Council or its business, nor be damaging to the Council's reputation and credibility or otherwise violate any Council policies.

3. PURPOSE

- 3.1. This policy applies to Councillors and Co-Opted Members. It gives guidelines on how to use social media, sets out how we can effectively manage social media usage, and indicates how any risks or pitfalls can be minimised or mitigated. The following risks have been identified with social media use (this is not an exhaustive list):

- Virus or other malware (malicious software) infection from infected sites.
- Disclosure of confidential information.

- Damage to the Council's reputation.
- Social engineering attacks (also known as phishing).
- Bullying or 'trolling'. An internet 'troll' is a person who starts arguments or upsets people by posting inflammatory or off-topic messages online with the deliberate intent of provoking readers into an emotional response or otherwise disrupting normal discussion, often for their own amusement.
- Civil or criminal action relating to breaches of legislation.
- Breach of safeguarding through the use of images or personal details leading to the exploitation of vulnerable individuals.
- Breach of the Members' Code of Conduct through inappropriate use.

3.2. In light of these risks, the use of social media sites should be regulated to ensure that such use does not damage the Council, its employees, Councillors, partners, and the people it serves. As such this policy aims to ensure:

- A consistent and corporate approach is adopted and maintained in the use of social media.
- Council information remains secure and is not compromised through the use of social media.
- Users operate within existing policies, guidelines, and relevant legislation.
- The Council's reputation is not damaged or adversely affected.

4. RESPONSIBILITIES OF COUNCILLORS

- 4.1. You are personally responsible for the content you publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a libel action for which you will be personally liable.
- 4.2. Social media sites are in the public domain, and it is important to ensure you are confident of the nature of the information you publish. Once published, content is almost impossible to control and may be manipulated without your consent, used in different contexts, or further distributed.
- 4.3. Make use of stringent privacy settings if you do not want your social media to be accessed by the press or public. Read the terms of service of any social

media site accessed and make sure you understand their confidentiality/privacy settings.

- 4.4. Do not disclose personal details such as home addresses and telephone numbers. Ensure that you handle any personal or sensitive information in line with the Council's Data Protection Policy.
- 4.5. Safeguarding issues are paramount because social media sites are often misused by offenders. Safeguarding is everyone's business – if you have any concerns about other site users, you have a responsibility to report these.
- 4.6. Do not publish or report on meetings which are private or internal (where no members of the public are present, or it is of a confidential nature), or exempt reports (which contain confidential information or matters which are exempt under the provision of the Local Government (Access to Information) Act 1985).
- 4.7. Copyright laws still apply online. Placing images or text from a copyrighted source (e.g., extracts from publications or photos) without permission is likely to breach copyright. Avoid publishing anything you are unsure about or seek permission from the copyright holder in advance.
- 4.8. Do not send or post inappropriate, abusive, bullying, racist, or defamatory messages to members of the public, other Councillors, or officers either in or outside the work environment.
- 4.9. The Council will not promote Councillors' social media accounts during the pre-election period.
- 4.10. In any biography, the account should state the views are those of the Councillor in question and may not represent the views of the Council.
- 4.11. Do not use the Council's logo, or any other Council related material, on a personal account or website.
- 4.12. Social media must not be used for actions that would put Councillors in breach of the Members' Code of Conduct. For example, do not publish something on social media you would not say face to face, or at a public meeting.
- 4.13. Be aware of your own safety when placing information on the internet and do not publish information which could leave you vulnerable.
- 4.14. Anyone receiving threats, abuse, or harassment via their use of social media should report it to their political group leader, the Monitoring Officer, and/or the Police.
- 4.15. It is recommended that you have separate social media profiles for your role as a Councillor or Co-opted Member and your private life.

5. CONDUCT

- 5.1. Councillors are reminded that in respect of social media, they are governed by the Members' Code of Conduct and relevant law. You are acting in your 'official capacity' and any conduct may fall within the Code whenever:
- You conduct the business of the Authority; or
 - You act as a representative of the Authority; or
 - Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor or as a representative of the Authority.
- 5.2. Breaches of this policy may amount to a breach of the Members' Code of Conduct.
- 5.3. Other violations of this policy, such as breaching the Data Protection Act, could lead to fines being issued and possible criminal or civil action being taken against the Council, or the individual(s) involved.
- 5.4. The Council reserves the right to request the removal of any content that is deemed to be in breach of the Members' Code of Conduct.

6. PRINCIPLES FOR USE OF SOCIAL MEDIA

- 6.1. You should follow these five guiding principles for any social media activities:
1. **Be respectful** – set the tone for online conversations by being polite, open, and respectful. Use familiar language, be cordial, honest, and professional at all times. Make sure that you respect people's confidentiality – do not disclose non-public information or the personal information of others.
 2. **Be credible and consistent** – be accurate, fair, thorough, and transparent. Encourage constructive criticism and deliberation. Make sure that what you say online is consistent with your other communications.
 3. **Be honest about who you are** – it is important that any accounts or profiles that you set up are clearly and easily identifiable. Be clear about your own personal role.
 4. **Be responsive** – make an effort to share what you know. Offer insights where appropriate and put people in touch with someone who can help if you cannot. Respond to questions and comments in a timely manner.
 5. **Be confident** – do not be scared of participating. Follow these rules and seek further guidance if you need it. If you are about to publish something that makes you even the slightest bit uncomfortable, pause

to think about it. Feel confident in what you say before you say it – and say it as clearly as you can.

7. GUIDANCE ON CAPTURING SOCIAL MEDIA POSTS

- 7.1. Posts made using third party sites such as Facebook or Twitter are not held or within the control of the Council - posts can be deleted by site administrators without knowledge or consent of the Council. In exceptional circumstances, copies of posts may be made and retained by the Council, in line with relevant Council procedures. These copies will be held for a period dependent on the type of investigation they are subject to.
- 7.2. Where inappropriate use is suspected, it is suggested that you should proactively attempt to capture any inappropriate posts before they might be deleted. Copies should be made and reported to the Monitoring Officer within the Council, as well as following the social media sites own reporting procedures where appropriate.

8. RELATIONSHIP WITH OTHER COUNCIL POLICIES

- 8.1. The Members' Social Media Policy should be read in conjunction with:
 - The Members' Code of Conduct which regulates the standards of conduct of elected members of Ashfield District Council. The Members' Code of Conduct also outlines the arrangements for investigating and deciding upon complaints against members.

EXAMPLES OF THE USE OF SOCIAL MEDIA

Can I comment/respond to questions posted on my social media page regarding general local issues?

Yes. The Members' Social Media Policy is not intended to restrict the use of social media, it is a guidance tool to make Councillors aware of the risks and pitfalls. Social media is an excellent method for Councillors to interact with members of the public and should be encouraged.

Can I comment/respond to questions posted on my social media page regarding upcoming Council matters such as licensing or planning applications?

Councillors can take a view and express opinions or concerns, however, they must not show bias or pre-determination. Councillors are reminded to remain impartial and open minded and listen to all the facts before coming to a decision. Evidence of any kind of bias or pre-determination could leave the decision open to challenge.

I find comments on my social media page posted by a third party insulting and/or confrontational. How should I respond?

If at all possible, do not respond at all. Internet 'trolls' are people who often try to antagonise public figures on purpose to get a reaction.

If it is clear that the person is a serious, concerned member of the public then a suitably non-confrontational reply may be appropriate. Remember that you remain a representative of the Council online and should not do or say anything that you would not do face-to-face or in a letter.

If the post is potentially defamatory or illegal, then it should be reported to the site administrators and/or the police.

I discover information that is incidental to my role as a Councillor (for example, information relating to a planning application). Can I disclose this information via social media?

Yes, however, you should take great care in doing so. Posting information obtained as a Councillor will be seen as you acting in your official capacity as a Councillor even if this is on your personal account. You should also remember that publishing anything regarding forthcoming or on-going decisions could be seen as pre-determination or bias. If the information is confidential then releasing the information may be a breach of the Members' Code of Conduct.

Someone has posted a racially aggravated comment on my social media page, what can I do? Can I be held liable?

As soon as you become aware of the comment you should inform the site administrator. If you are exclusively in charge of the site, you should consider reporting the comment to the Police. You should keep evidence of the post and then

ensure it is taken down. Providing a Councillor takes reasonable care and reports the potential offence quickly they are unlikely to be held liable for someone else's breaches.

I publish a post on my social media page regarding a matter that I will be making a decision on (such as a planning or licensing application). As this is my personal social media page, do the rules for pre-determination and bias still apply?

Yes, they do. The Members' Social Media Policy also extends to personal social media pages where the content/comment relates to Council matters. Councillors should take care when publishing information regarding a Council matter as this may leave the decision open to challenge.

Do any special rules apply to social media posts and blogs during a local election period?

During an election period, Councillors should take particular care as legislation relating to electoral matters will apply to the online publication of electoral material or statements relating to the election. For example, if you publish a statement on your personal social media page regarding another candidate, the Representation of the People Act 1983 may apply. Under this legislation it is a criminal offence to make or publish a false statement of fact about the personal character or conduct of an election candidate.

What happens if I breach the Members' Social Media Policy?

It depends upon the nature of the breach. However, punishment for a serious breach of the Policy may lead to a code of conduct complaint or even personal liability or criminal charges.

QUARTER 4 2022/23 UPDATE OF COMPLAINTS (OUTSTANDING)

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
ADC2022-012	18/10/2022	ADC Employee	District Councillor	1.1 Respect 2.1 Bullying	Information gathering. Interviews carried out.	TBC
ADC2022-13	26.10.22	District Councillor	District Councillors	2.2 Contrary to high standards of conduct. 2.3 Disrepute	Awaiting outcome from external investigation.	TBC
ADC2022-14	19/11/2022	Public	District Councillor	2.2 Contrary to high standards of conduct. 2.3 Disrepute	Information gathering. Awaiting further details from Member of the public.	TBC

ADC2022-15	02/12/2022	Public	District Councillor	1.2 Respect 2.1 Bullying 2.2 Contrary to high standards of conduct. 2.3 Disrepute	Information gathering	TBC
ADC2023-16	30/1/2023	Public	District Councillor	2.2 Contrary to high standards of conduct.	Information gathering	TBC
ADC2023-17	02/02/2023	District Councillor	District Councillor	1.3 Respect 2.1 Bullying	Information gathering	TBC
ADC2023-18	10/2/2023	Public	District Councillor	2.2 Contrary to high standards of conduct.	Information gathering	TBC
SPC2022-02	25/8/2022	Public	Selston Parish Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.7 Disrepute	Completed subject to comments from the Independent Person.	TBC

Long-Term Ongoing

REFERENCE	DATE COMPLAINT RECEIVED BY MONITORING OFFICER	COMPLAINANT TYPE	COMPLAINT ABOUT A DISTRICT OR PARISH COUNCILLOR	ALLEGED BREACH	PROGRESS UPDATE	OUTCOME
ADC2020-04	26 June 2020	District Councillor	District Councillor	2.1 Respect 2.2 Contrary to high standards of conduct. 2.5 Confidentiality	Further discussions to be arranged with subject member – seeking informal resolution	

GIFTS AND HOSPITALITY

REFERENCE	DATE OF GIFT/HOSPITALITY	COMPLAINANT TYPE
GAH2022-01	April 2022	Invite from Nottingham Trent University for a representative from ADC to attend a “Future Towns Challenge” working trip to France as part of NTU’s ongoing work to tackle deprivation in Ashfield and Mansfield.

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Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	8 MARCH 2023
Heading:	ANNUAL CONSTITUTION REVIEW
Executive Lead Member:	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 2023.

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 regarding the Constitution 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 remit of the Standards and Personnel Appeals Committee 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 2023

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.

Note: Titles have been reviewed and amended throughout the Constitution to reflect recent changes to the Council's Senior Management Structure.

Part of the Constitution	Proposed Amendments
Part 1 – Summary	No changes proposed.
Part 2 – Articles	No changes proposed.
Part 3 – Functions and Delegations	No changes proposed.
Part 4 – Rules of Procedure	Contract Procedure Rules – Changes to procurement thresholds. Streamlining of decision making process. Quick Reference Guide updated. Definitions list updated. Minor formatting changes throughout. Employment Procedure Rules – The Employment Procedure Rules will be reviewed to ensure they remain fit for purpose, in line with current legislation and best practice frameworks.

Part 5 – Members’ Code of Conduct	No changes proposed.
Part 6 – Member/Officer Protocol	No changes proposed.
Part 7 – Allowances	Figures have been updated in line with the latest pay award.
Part 8 – Management Structure	The Senior Management Structure chart has been updated to the most current version.
Part 9 – Employees Code	Criminal Convictions 14.2 - A line has been added regarding driving disqualifications for employees required to drive as part of their role as follows: “The impact on the role will be considered in line with relevant policies.”
Part 10 – Planning Code	No changes proposed.

Note: Any additional changes proposed for the Constitution will be presented to Members of the Standards and Personnel Appeals Committee during the meeting.

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.	The Council’s Constitution is reviewed annually to ensure it remains up to date and fit for purpose.

Human Resources:

There are no direct HR implications resulting from the recommendations within this report.

Environmental/Sustainability:

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

Equalities:

There are no direct equalities implications resulting from the recommendations within this report.

Other Implications:

There are no other implications resulting from the recommendations within this report.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

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Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	8 MARCH 2023
Heading:	MEMBER INDUCTION PROGRAMME 2023
Executive Lead Member:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The purpose of this report is to present the Standards and Personnel Appeals Committee with further details regarding development of the Member Induction Programme 2023. This includes details of proposed training topics and a timetable of events from May 9 to May 12.

Recommendation(s)

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

- a. Note the draft Member Induction Programme 2023 detailed within this report.
- b. Consider any appropriate amendments for the draft Member Induction Programme 2023.

Reasons for Recommendation(s)

Member induction, training, and development is an integral part of ensuring that the strategic aims and objectives of the Council are met in carrying out their duties of making local decisions and delivering better service delivery within the District.

Alternative Options Considered

Considerations were given to implementing a longer term induction programme over a number of weeks. However, Members of the Standards and Personnel Appeals Committee have indicated that a more focused approach at the outset is preferred.

Detailed Information

Local Elections will be held in May 2023 with 35 Councillors to be elected to represent the wards of the District as part of Ashfield District Council. As part of the preparations for the Elections, an induction programme for new and returning Councillors is being developed.

The intention of the programme is to help both new and returning Councillors prepare for their role and to outline the support and facilities available to them, whilst also fulfilling specific legal and mandatory training requirements relating to their acceptance of their new post.

As part of the agreed work programme, Members of the Standards and Personnel Appeals Committee have undertaken work to consider how new member induction and the associated training should be delivered following the May 2023 District Elections. Committee Members have reflected on experiences from the induction and training process in 2019 and made recommendations to guide the 2023 process.

Key points raised by Members have been:

- Initial training should be expanded to three days to allow Members to absorb information more easily.
- Where possible, smaller breakout rotating sessions should be utilised.
- IT training regarding use of the Council issued iPads was not well attended and requires delivery in a more focused approach.
- A stronger focus on Member behaviours and governance.
- A dedicated intranet page for Members to offer access to pertinent documents, agendas/minutes, online training etc.
- New Members to be furnished with a Glossary of Terms to aid familiarisation with local government terminology.

Mandatory Training

As set out in the Council's Constitution, within Part 5 – Members' Code of Conduct, Members must attend the mandatory training as below:

Training	Scope	Frequency
Planning Committee	<ul style="list-style-type: none">• Planning legislation and case law.• Local Plan• Policies & Procedures.• Role on Planning Committee.• Role of a Member of Local Planning Authority• Planning Code of Good Practice• Relationship to Members' Code of Conduct	Prior to sitting on Planning Committee minimum of every two years. Refresher training may be given more frequently.

	<ul style="list-style-type: none"> • Development proposals and Interests under Members' Code of Conduct • Fettering Discretion in the Planning Process • Lobbying of and by Councillors • Contact with applicants, developers and objectors. • Role of Officers • Decision Making • Public Speaking at Meetings • Site Visits • How to determine Planning Applications 	
Licensing Committee/Sub Committee	<ul style="list-style-type: none"> • Licensing legislation, policies, and procedures relevant to the remit of the Committee and its Sub-Committees. • General Principles of each Act • Role of Members • Ward Member Role • Licensing Objectives • Determining Licensing Applications 	Prior to sitting on the Committee or its Sub Committees minimum of every four years.
Chief Officers Employment Committee and the Interview and Appraisal Sub Committee	<ul style="list-style-type: none"> • Recruitment and selection • Appraisals • Legislation, policies and practice within the remit of the Committee and its Sub-Committee 	Prior to sitting on the Committee or its Sub Committees minimum of every four years.
Standards and Personnel Appeals and its Sub Committees	<ul style="list-style-type: none"> • Legislation, case law, policies, and procedures relevant to the remit of the Committee and its Sub-Committees 	Prior to sitting on the Committee or its Sub Committees minimum of every four years.
Code of Conduct/Ethical Governance	<ul style="list-style-type: none"> • Understanding of the Members' Code of Conduct and the governance of the Council. Responsibilities and role as a Councillor. • Outline of Constitution • Promoting and maintaining high standards of conduct by Members • Code of Conduct (including Gifts and Hospitality) • The Register of Interests • Protocols • Guidance 	At the point of election and on subsequent re-election(s)

	<ul style="list-style-type: none"> • Dispensations Political Publicity – rules • Data Protection • Freedom of Information 	
Equalities and Diversity	To tackle discrimination and social exclusion, promote equality of opportunity and foster good relations between all.	After each election.
Safeguarding	To provide guidance and advice to elected Members on: <ul style="list-style-type: none"> • Roles and responsibilities in relation to safeguarding children and vulnerable adults. • How Members should raise any concerns and receive assurance about children and adults who may be at risk. 	Every 2 years
Fraud Awareness	To raise awareness of where fraud may occur in District Councils and what actions should be taken.	After each election and bi-annually thereafter
Chairperson (if appointed as a Chair)	To ensure that Members appointed to Chairmanships have the required knowledge, skills and attributes needed to become an effective Chairman.	Following initial appointment to position and subject to previous training or experience.
Lone Worker	Ensuring Members keep themselves safe.	After election or re-election.

Induction Day 2019

Following the 2019 District Elections, an induction day was hosted and delivered as a drop in session. Members (both returning and new) attended a stall based system with the following stalls and teams in the Committee Room:

- Communications - photos taken for website and ID Cards
- Building Services – ID cards produced on entry.
- HR – Details taken for allowances/DBS checks.
- IT – Members were provided with iPads, login credentials, and signed IT policies.
- Democratic Services – Declaration of Acceptance of Office Book/Register of interests/Member details/training sign ups.

FIRST DRAFT INDUCTION AND TRAINING SCHEDULE 2023

(Timeslots subject to change)

Induction Drop-In Sessions – 9 May/10 May – Council Chamber/Committee Room

Two separate induction sessions set up for Tuesday 9 May from 10am to 1pm and Wednesday 10 May from 5pm to 8pm (following the first day of training). This information will be included in candidate packs.

The induction sessions will be stall based, including:

- Official photographs
- Access/ID cards
- Declaration of Acceptance of Office
- Building tours
- Payment information
- IT equipment handover
- Login credential setup
- Register of Interests
- Induction packs

Training Sessions – 10 May to 12 May (3 days) – Council Chamber/Committee Room

Note: As suggested by the Standards and Personnel Appeals Committee, some sessions will run concurrently to enable training to be delivered to smaller groups of Members. Sessions in the timetable with a group specified (group one/group two) indicate a smaller group session. Sessions not marked with a group will be delivered to all Members at the same time. Following the Elections, Members will be assigned to group one/group two and informed at the beginning of training on Wednesday 10 May.

Day One (10 May 2023)

Time	Topic	Delivered By (Officers/External)
9.30 am	Introduction from the Chief Executive/Corporate Leadership Team	CLT
10.30 am	<i>Break</i>	
11 am	Role of a Councillor/Ethical Governance (group one)	LGA
11 am	Being a Councillor/Committee Meetings/Chairing Skills/Scrutiny (group two)	External - TBD
1 pm	<i>Lunch</i>	
2 pm	Role of a Councillor/Ethical Governance (group two)	LGA

2 pm	Being a Councillor/Committee Meetings/Chairing Skills/Scrutiny (group one)	External - TBD
4 pm	<i>Finish</i>	

Stall based induction session to be held between 5pm – 8pm as an alternative to the 10am – 1pm session the previous day.

Day Two (11 May 2023)

Time	Topic	Delivered By (Officers/External)
9.30 am	Local Government Finance	Corporate Resource Director
10.30 am	<i>Break</i>	
11 am	Equalities and Diversity*	External - TBC
12 pm	<i>Lunch</i>	
1 pm	Safeguarding	Internal - TBD
2 pm	GDPR	Internal - TBD
3 pm	<i>Break</i>	
3.30 pm	IT (group one)	Internal - TBD
4.30 pm	<i>Finish</i>	

Day Three (12 May 2023)

Time	Topic	Delivered By (Officers/External)
9.30 am	Planning (group one)	Internal - TBD
9.30 am	Licensing (group two)	Internal - TBD
10.30 am	<i>Break</i>	
11 am	Planning (group two)	Internal - TBD
11 am	Licensing (group one)	Internal - TBD
12 pm	<i>Lunch</i>	
1 pm	Housing (group one)	Internal - TBD
1 pm	Community Safety (group two)	Internal - TBD
2 pm	Housing (group two)	Internal - TBD

2 pm	Community Safety (group one)	Internal - TBD
3 pm	<i>Break</i>	
3.30 pm	IT (group two)	Internal - TBD
4.30 pm	<i>Finish</i>	

Training to Follow

Further training will be delivered at a later time in accordance with mandatory training requirements and the Member Development Strategy.

- Further Code of Conduct training – to be delivered by LGA.
- Audit Committee/Fraud Awareness
- Chief Officers Employment Committee
- Risk and Emergency Planning
- Online training modules (e.g., Lone Working)

Implications

Corporate Plan:

In line with the established Corporate Plan, the Council strives to ensure effective community leadership through training, good governance, transparency, and accountability.

Legal:

As part of the induction process, Members will receive all mandatory training as specific in the Council’s Constitution. Members will also receive regarding the appropriate policies and procedures that are in place to support them carrying out their roles.

Finance:

Any costs associated with Member training and development will be met through the existing Member Training and Development Budget.

Budget Area	Implication
General Fund – Revenue Budget	As above.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

Risk:

Risk	Mitigation
Insufficient Member training and development carries risks regarding decision making, debate, and representation.	A robust Member Induction Programme, alongside a longer-term Member Development Strategy, will ensure Members have the necessary skillset to carry out their role both within the District and representing their constituents at Council and other partner meetings.

Human Resources:

There are no direct HR implications resulting from the recommendations within this report. However, the induction process will incorporate all appropriate HR considerations.

Environmental/Sustainability:

Environmental/sustainability implications will be considered on a case by case basis with regards to Member training. As part of the induction programme, Members will be informed of the Council's strategic direction, including environmental/sustainability implications.

Equalities:

Equalities and diversity training is part of the mandatory training for Members as specified in the Council's Constitution.

Other Implications:

None.

Reason(s) for Urgency

None.

Reason(s) for Exemption

None.

Background Papers

None.

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Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	8 MARCH 2023
Heading:	ANNUAL WHISTLEBLOWING POLICY UPDATE
Executive Lead Member:	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 minor 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 2022/23**

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 two small changes to the policy are recommended to take account of new job titles for two officers. The revised draft policy is attached at Appendix 1; the changes are highlighted in red.

The Audit Committee will receive a whistleblowing update report at its meeting on 20 March 2023.

Application of Policy during the Preceding 12 Months

During the period starting April 2022 to the present, there has been **one** report made under the whistleblowing policy drawn to the Monitoring Officer’s attention.

The complaint was raised anonymously. The complaint related to the process for Councillors to update their Register of Interests and whether a breach of the Members’ Code of Conduct had occurred. The issues raised were considered by the Monitoring Officer and no further action was necessary as there was no evidence of a breach of the Members’ Code of Conduct.

Previous Application of Policy

The following table sets out the application of the Whistleblowing Policy for the past 8 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	1	1	0	0

2023 to date	0	0	0	0
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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. [RLD 21/02/2023]

Finance: There are no direct financial implications arising from the policy update. [PH 28/02/2023].

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.
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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.

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.

Reason(s) for Urgency

Not applicable.

Reason(s) for Exemption

Not applicable.

Background Papers

None.

Report Author and Contact Officer

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WHISTLEBLOWING POLICY

Executive Director of Legal and Governance and Monitoring Officer

APPROVED:

Standards and Personnel Appeals Committee – 8 March 2023
Audit Committee – 20 March 2023

REVIEW:

March 2024

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
Revised v10	22 March 2023

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
Corporate Resources Director 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.