

Notice of Meeting

Standards Committee

Date : Thursday, 10 June 2021

Time : 18:00

Place : Council Chamber
Town Hall, Luton

Councillors : S. Saleem (Chair) Moles
Waheed (Vice-Chair) Nicholls
U. Ali Petts
D. Chapman Skepelhorn
S. Hussain Young

Independent Members : Ms P. Brennan Mr A. Maslen
Mrs M. Briggs Mr P. Orr
Mr J. Jones

Quorum: 3 Members

Eunice Lewis (01582 547149) Email Eunice.Lewis@luton.gov.uk


[Livestream Meeting Link](#)

PURPOSE


This Committee considers any allegations that a Member has breached the Council's Code of Conduct for Members, relevant Standing Orders or the National Code of Local Government Conduct; it advises individual Members on matters of conduct; and advises and makes recommendations to the Council on training for Members on issues of conduct.


This meeting is open to the public and you are welcome to attend.

For further information, or to see the papers, please contact us at the Town Hall:

 **IN PERSON**, 9 am to 5 pm, Monday to Friday, or

 **CALL** the Contact Officer (shown above).

An induction loop  facility is available for meetings held in Committee Room 3.

Arrangements can be made for access to meetings for  disabled people.

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NOTE:

Members of the public are entitled to take photographs, film, audio-record and report on all public meetings in accordance with the Openness of Local Government Bodies Regulations 2014. People may not however act in anyway considered to be disruptive and may be asked to leave. Notice of these rights will be given verbally at the meeting, as appropriate.

EMERGENCY EVACUATION PROCEDURE

Committee Rooms 1, 2, 4 & Council Chamber:

Turn left, follow the green emergency exit signs to the main town hall entrance and proceed to the assembly point at St George's Square.

Committee Room 3:

Proceed straight ahead through the double doors, follow the green emergency exit signs to the main Town Hall entrance and proceed to the assembly point at St George's Square.

AGENDA

<i>Agenda Item</i>	<i>Subject</i>	<i>Page No.</i>
1.	Apologies for Absence	
2.	Minutes	
	1. 4 February 2021	6 - 10
3.	Section 106, Local Government Finance Act 1992	

Those item(s) on the Agenda affected by Section 106 of the Local Government Finance Act 1992 will be identified at the meeting. Any Members so affected is reminded that (s)he should disclose the fact and refrain from voting on those item(s).

4. Disclosures of Interest

Members are reminded that they must disclose both the existence and nature of any disclosable pecuniary interest and any personal interest that they have in any matter to be considered at the meeting unless the interest is a sensitive interest in which event they need not disclose the nature of the interest.

A member with a disclosable pecuniary interest must not further participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

A member with a personal interest, which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgment of the public interest, must similarly not participate in any discussion of, vote on, or take any executive steps in relation to the item of business.

Disclosable pecuniary interests and Personal Interests are defined in the Council's Code of Conduct for Members and Co-opted members.

5. Urgent Business

The Chair to report on any business which is considered to be urgent and which should be discussed at the meeting in accordance with Section 100B(4)(b) of the Local Government Act 1972 and to determine when, during the meeting, any such business should be discussed.

Reports

6. Complaints against Members

(Oral Report of the Head of Legal & Interim Monitoring Officer)

7. Draft Chair's Annual Report of Standards Committee 2020/21 & Members Attendance & Training 11 - 30

(Report of the Head of Legal & Interim Monitoring Officer)

8. Annual Whistleblowing Policy Report 2020/21 31 - 39

(Report of the Head of Legal & Interim Monitoring Officer)

(Report of the Head of Legal & Interim Monitoring Officer)

10. **Local Government Act 1972, Part VA**

To consider whether to pass a resolution under Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting during consideration of any item listed above if it is likely that if members of the public were present during those items there would be disclosure to them of exempt information falling within the Paragraphs of Part1 of Schedule12A to the Local Government Act 1972.

Standards Committee

Minutes

4 February 2021 at 6.00 pm

Present:

Councillors: S Saleem (Chair), Waheed (Vice Chair), M. Hussain, Nicholls, Moles, Petts, Roche, and Young.

Independent Members:

Ms P Brennan, Mrs M. Briggs, J. Jones, and Andrew Maslen.

01. Apologies (Ref: 1)

Apologies for absence from the meeting received on behalf of Councillors D. Chapman and Skelpelhorn, and Independent Member, Peter Orr. (As he was unable to connect to the meeting)

02. Minutes (Ref: 2.1)

That the minutes of the meeting held on 10 September 2020 be taken as read, approved as a correct record and signed by the Chair in due course.

03. Complaints Against Members (Ref: 6)

The Service Director, HR and Monitoring Officer submitted the report Ref: 6 regarding complaints against Members. She stated that there were no new formal complaints, but had received some correspondence from the Ombudsman in relation to one issue. In addition, there have been some informal allegations about a Councillor, as a result, the relevant party Whip had been asked to have an informal word with the subject of the informal allegation together with the Service Director, HR and Monitoring Officer

Following questions, comments and statements by Members the Service Director HR and Monitoring Officer informed the Committee of the outcome of the Local Adjudication Panel held on 12 October 2020. She stated that the Decision Notice and outcome from that hearing was drafted by the Council's Solicitor and thereafter was agreed with the Chair of the Panel prior to publication on the Council's website. She added that further discussions about this matter could take place at item 8 of the agenda.

A Member suggested that decision made by the Council's Local Adjudication Panel should be brought to the Standards Committee for discussions prior to publication of outcome. The Chair of the Committee stated that she was the Chair of the Adjudication Panel which took place on 12 October 2020. She confirmed that she agreed the decision letter prior to its publication on the Council's website.

An Independent Member of the Committee stated that there might be some practical issues with the suggestion to bring a decision of an Adjudication Panel for discussion and endorsement by the Standards Committee. He stated that these decisions were time critical and having to bring the outcome to the Committee for any, reason would lead to delay in publication and where there was an unusual press interest, there could be further delay caused.

There was a question about discussing the details of the outcome and whether that would fall under exempt information but the Solicitor advised that although the decision had been made in private, the outcome was now in the public domain, therefore it was in order to have the conversation in public.

The Service Director HR and Monitoring Officer explained that the 12 October 2020 Adjudication Panel concluded that the Councillors in question had not breached the code of conduct but their actions were found to be in disregard of the lockdown rules. They were asked to donate to Charity Organisation. It was reported that two of the Councillors had now donated to Charity.

A Member of the Committee stated that the decision could have been brought before the Standards Committee to make recommendations that would have ensured implementation of the outcome from the Adjudication Panel.

The Service Director, HR and Monitoring Officer was asked to circulate the decision letter from that Panel hearing to Members of the Committee electronically to clarify and understanding of the Panel's decision.

Resolved: (i) That the up to date Complaints Against Members (Ref: 6) as reported orally, by the Service Director, HR and Monitoring Officer be noted.

04. Local Government Association – Model Councillor Code of Conduct (Ref: 7)

The Service Director, HR and Monitoring Officer submitted the report Ref: 7 regarding the Local Government Association – Model Councillor Conduct. She stated that the Committee had provided response to a number of consultations carried out by the LGA in respect of the Model Councillor Code of Conduct. Following the period of the consultation, the LGA on 23 December 2020 published a Model Councillor Code of Conduct attached as Appendix to this agenda, which was before the Committee for review.

The LGA had described the Model Code as 'designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government'. She added that although the Model Code had been published, the responses provided by this Committee and clarifications sought during the consultation had not been reflected in the current LGA Code.

The Service Director further explained the recommendations as outlined in the report and as below:

- i. Commend the Model Code, with agreed amendments, to Full Council for adoption
- ii. Review the Code of Conduct in a year's time.
- iii. Request a training programme for councillors, officers and relevant stakeholders is developed and presented to the next Standards Committee meeting.

The Committee's role would be to determine whether to recommend the Model Code, amended or otherwise to Full Council for inclusion in the Council's Constitution.

A Member of the Committee stated that there was nothing significantly new in the LGA Code that had picked up the issues expressed during the consultation, which had raised questions whether there was a need to adopt the LGA Model Code.

A Member asked what action a member could take if they were either subject to, or witnessed poor behaviour during meetings. In response, the Service Director HR and Monitoring Officer explained the primary reason responsibility of the Committee to address issues about the behaviour of Members where this had fallen below expected standard. One of the first steps would be to discuss such concerns with the Group Leaders or the Whips. The Chairs of committees should intervene where a committee Member had exhibited behaviour perceived or considered as being unacceptable. Members should be encouraged to take necessary action to address issues immediately where there was evidence of unacceptable behaviour by a Member. She added that people perceive issues differently.

An Independent Member further explained that where it was apparent that behaviour was deteriorating the onus would be on the person who perceived it to be so to refer the matter through the required channel. Overall Members behaviour in Luton Council had significantly improved over the years. Regarding the LGA published Model Code, he said this was a bit disappointing that the government had not given comments and responses by various LA's a view and were therefore not included in the published code. He added that Members of the Committee could revisit this in 12 months' time.

Members of the Committee agreed that the Council should continue with its own Code of Conduct pending when there would be a review of the LGA's published Model Code of Conduct in about 12 months' time. Members of the Committee also agreed that the Council should carry out a consultation with the involvement of stakeholders, and interested parties to find out what stakeholders believed require improvement in the Council's current Code of Conduct. Furthermore, Members agreed that relevant Councillor training should continue to take place.

In response to a question, the Service Director HR and Monitoring Officer stated that the code of conduct would only apply to Councillors when on council duty, however, a councillor could also be held accountable should their behaviour fall below standard even when not on council duty. The following options were made available to Members of the Committee.

- i. Commend the Model Code, with agreed amendments, to Full Council for adoption
- ii. Review the Code of Conduct in a year's time.
- iii. Request a training programme for councillors, officers and relevant stakeholders is developed and presented to the next Standards Committee meeting.

Resolved: (i) That the report (Ref: 7) regarding the published LGA Model Code of Conduct be noted.

(ii) Members agreed option (ii) to review the Code of Conduct in a year's time.

(iii) Members agreed that a consultation be carried out through appropriate mechanism such as consultation with stakeholders, outside organisations and interested parties whether there was a need to improve the Council's current Code of Conduct.

(iv) That Training Programme for Councillors, Officers and relevant stakeholders be developed and presented to the next Standards Committee meeting.

(v) That the Service Director HR and Monitoring Officer be commended for all her contributions to the Council in her role over the over the years and wish her all the best in her future endeavours.

05. Standards Committee Communications Protocol (Ref: 8)

The Service Director, HR and Monitoring Officer submitted the report Ref: 8, regarding the Standards Committee Communications Protocol. She stated that Members of the Committee requested this information at the last meeting on 10 September 2020. She said the Head of Communications was unavailable to present the report due to other council commitment.

In response to a question, Members were informed that the outcome of the Local Adjudication Panel meeting held on 12 October 2021 would be circulated to all members of the Standards Committee for information.

An Independent Member of the Committee asked whether there were other communication protocols in order to avoid confusion and Members were informed that the this protocol was consistent with other protocols in the way that the Council would normally operate. The Service Director HR and Monitoring Officer referenced the comments made by the Solicitor in the conversation box that deliberations would normally take place in private and this would be followed by a formal Decision Notice which would then be made public. She drew Members attention to the Officer's recommendation in the report to consider whether to adopt the Communication's Protocol subject to inclusion of Member's comments if any.

The Committee agreed the direction of travel to adopt the Communication's Protocol with the inclusion of Member's comments including clarification relating to press releases, which should be agreed with the Chair of the Adjudication Panel but not necessarily the Chair of the Standards Committee who may or may not be chairing the Panel.

An Independent Member of the Committee asked what might happen in the circumstances that the subject of the complaints refuses that the outcome should not be published, guilty or not guilty. Members agreed that for the interest of transparency and fairness of the process the outcome of a local adjudication panel should be made public whether the subject of the complaint had been found guilty or not.

Members agreed that Standards Committee be informed of the decision of the Council's Local Adjudication Panel for information only prior to publication as long as the Chair of the Panel and the subject of the complaints had had sight of and agreed the decision.

Resolved: (i) That the report (Ref: 8) regarding the Committee's Communication Protocol be adopted with the inclusion of comments from Members of the Committee.

06 Standards Committee Work Programme 2020/21 (Ref: 9)

Members of the Committee considered the Committee's work programme regarding future items for discussions at future meetings of the Committee.

Members agreed the inclusion of the items were listed on the work programme as appropriate:

- Update of the LGA Model Code of Conduct – February 2022
- Whistle Blowing Policy – Annual Report 2020/21
- Chair of Standards Committee Annual Report 2020/21 to be inclusive of All Councillors Annual Mandatory Training Records) Note that 2019/20 had been reported already. The next report would cover 2021/22.

Resolved: That the report (Ref: 9) be noted and that the Service Director, HR and Monitoring Officer be requested include the items listed (a–c) below in the Committee’s work programme in consultation with the Chair.

- a) Update of the LGA Model Code of Conduct – February 2022
- b) Whistle Blowing Policy – Annual Report 2020/21
- c) Chair of Standards Committee Annual Report 2020/21 to be inclusive of All Councillors Annual Mandatory Training Records) Note that 2019/20 had been reported already. The next report would cover 2021/22).

(Note: (i) Members of the Committee observed a 1 minute silence for Sir Captain Tom Moore who passed away recently;

(ii) The meeting ended at 19.15))

Committee:	Standards Committee			
Date of Meeting:	10 June 2021			
Subject:	Draft Chair's Annual Report of Standards Committee 2020/21 And Members Attendance			
Report Author:	Head of Legal & Interim Monitoring Officer			
Contact Officer:	Raj Popat			
Implications:	Legal	<input type="checkbox"/>	Community Safety	<input type="checkbox"/>
	Equalities	<input type="checkbox"/>	Environment	<input type="checkbox"/>
	Financial	<input type="checkbox"/>	Consultations	<input type="checkbox"/>
	Staffing	<input type="checkbox"/>	Other	<input type="checkbox"/>
Wards Affected:	All			

Purpose

1. The purpose of this report is to submit to the Committee the draft Annual Report for the Municipal Year 2020/21

Recommendation(s)

2. That the Committee approves the Annual Report in the form of the draft submitted, subject to any modifications they may wish to make, and forward the Annual Report to Full Council at their meeting to be held on 13 July 2021.

Background

3. It has become the practice of the Committee to submit an Annual Report to Full Council detailing the activities of the Committee during the previous Municipal Year. I have therefore, submitted a draft Annual Report for the approval of the Committee. Subject to the approval of the Committee and any amendments made by the Committee, the Annual Report will be submitted to Full Council.

Legal Implications

4. There are no legal implications and this was agreed with the Head of Legal and Interim Monitoring Officer on 19 May 2021.

Equalities Impact

5. There are no equalities implications to this report.

Appendices

6. The following appendices attached to this report:

- Appendix A - Draft Annual Report of Standards Committee for the Municipal Year 2020/21
- Appendix B: Members Attendance 2020/21
- Appendix C: Member Training Records May 2020

List of Background Papers

Local Government Act 1972, Section 100D

There are no background papers to this report.



Draft Annual Report

Luton Council Standards Committee

Municipal Year 2020- 21

1. This is the sixteenth Annual Report of the Standards Committee, established under the Local Government Act 2003.

2. It was constituted (as at May 2020) as follows:

Elected Members

CLLR. S. SALEEM (CHAIR)

CLLR. WAHEED (VICE CHAIR)

CLLR. D CHAPMAN

CLLR. M HUSSAIN

CLLR. NICHOLLS

CLLR. MOLES

CLLR. PETTS

CLLR. ROCHE

CLLR. SKEPELHORN

CLLR. YOUNG

Independent Members

Mrs. Maureen Briggs

Ms. Paula Brennan

Mr. John Jones

Mr. Andrew Maslen

Mr. Peter Orr

3. At the Annual Meeting of Council held on 18th May 2021, Cllr S Saleem was elected Chair and Cllr Waheed as Vice Chair of the Committee.

4. As members will be aware, following the Localism Act 2011, this Committee changed into an Advisory Committee, with its existing role of advising, monitoring, and training of Members in matters concerning the correct observance of the Code of Conduct. Additionally, the Committee retained its role in adjudication in the event of an allegation of a breach of the Code being brought before it and of recommending to Full Council what sanction should be imposed in the event of that breach of the Code being proved.

5. Furthermore the Committee are expected to work with the appointed Independent Persons whom all Public Authorities are required to consult in the event of a complaint that engages the Code being made to the Monitoring Officer. Independent Persons are appointed for a four year period which most recently commenced from 1 October 2020. We currently have two Independent Persons - Dr Vasco Fernandes and Mr Christopher Fogden.

6. Following the introduction of the Localism Act 2011, Independent Members are no longer a statutory requirement and have no formal vote. Luton has, however, agreed to the inclusion of Independent Members on the Standards Committee to maximise the breadth of knowledge and experience available.

Members Attendance

7. In the Annual Reports of recent years the Chair of Standards Committee has published the official attendance figures for the various committees of the Council. These are taken from the CMIS record and Members were advised to check regularly the accuracy of these figures during the year. These figures are attached at Appendix B to this report.

8. It is recognised that this record is not intended to reflect in any way the amount of work which Members may undertake, outside the various committees and bodies mentioned, in particular work with outside organisations and for constituents. It is information which can be obtained by trawling the website and is therefore intended to provide a summary, rather than a commentary, on each Member's attendance.

9. The Committee recognises that occasionally additional council meetings are set up and it can be regrettably unavoidable not to have a clash of committees which leads to Members giving apologies for one in order to attend the other on the same night.

LGA Model Coded of Conduct

Background

In January 2019, the Committee on Standards in Public Life (CoSPL) published a report which recommended creating an updated model code of conduct, by the Local Government Association (LGA) in consultation with representative bodies of councillors and officers of all tiers of local government.

In June 2020 the LGA conducted a consultation to gather views on its draft Model Member Code of Conduct. Responses to the consultations were gathered by the LGA Research and Information team via an online questionnaire and by email. Over 1600 written responses to the consultation were received by the LGA. In addition, workshops of members and Monitoring Officers took place to discuss the approach and content of the revised Code.

The final Model Code of Conduct for Councillors was approved by the LGA on 3 December 2020 and made available to all Local Authorities shortly thereafter. This Model Code is not mandatory and is able to be adapted by Local Authorities.

Our Response to the Model Code of Conduct

10. At our meeting on 30 June 2020 the Monitoring Officer submitted the report regarding the draft model Elected Member Code of Conduct developed by Hoey Ainscough, published by the LGA that was out for consultation which commenced on 8th June 2020 through to 17th August 2020.

11. The meeting had been set up to enable conversation about the consultation in order to agree a detailed coordinated response from

Members of this Committee to the consultation questionnaire. In line with the Localism Act 2011 all Councils must have a local Member Code of Conduct and therefore the model code of conduct had been developed in collaboration with a number of stakeholders. When completed it would be a template for Councils to adopt at their discretion in its entirety or with local amendments or not at all. The LGA would review the model code of conduct annually to ensure all future legislative changes.

12. Then, following this period of consultation, at our meeting on 4 February 2021, the Monitoring Officer submitted the LGA Model Councillor Code of Conduct that had been published on 23 December 2020, which was before the Committee for review. A link is provided to the model code here <https://www.local.gov.uk/local-government-association-model-councillor-code-conduct-2020-0>.

13. The LGA had described the Model Code as ‘designed to protect our democratic role, encourage good conduct and safeguard the public’s trust in local government’. It was noted that although the Model Code had been published, the responses provided by this Committee and clarifications sought during the consultation had not been reflected in the current LGA Code.

14. Following a long discussion Members of the Committee agreed that the Council should continue with its own current local Code of Conduct pending a review of the LGA’s published Model Code of Conduct in the next twelve months. It was noted that the LGA plan to undertake an annual review of the Model Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. Also the Government is still to respond to the CoSPL 2019 report and recommendations. Some of the 26 recommendations including those relating to the scope of the Member Code and the introduction of sanctions require legislative changes. In the absence of such changes within the Model Code, Members opted to wait for any developments following the Government’s response. This is in line with the position adopted by many other Local Authorities.

Breaches of the Code

15. During the year, six allegations were received against Members, four of which progressed through the formal stages of the Local Assessment and Local Adjudication Panel, with the following outcomes:

- Complaints against three Members, arising out of the same incident involving an alleged breach of covid-19 lock down rules, were not upheld as the Subject Members were found not to be acting in their capacity as Councillor's at the time of the alleged misconduct and the Code was not engaged.
- A complaint against another Member was not upheld as the Subject Member was not acting in their capacity as Councillor at the time of the alleged misconduct and the Code was not engaged.
- Another complaint was not progressed through the formal stages by the Monitoring Officer following agreement with the Independent Person that there was insufficient evidence to find a breach of the Code.
- Another complaint was withdrawn.

Council Monitoring

16. Throughout the year the meetings of Full Council have been attended by and monitored on a regular basis by the Independent Members of the Standards Committee. I would like to extend my thanks to them for undertaking their important contribution to the work of the Committee and invite them to make any additional comments on the conduct and behaviour of Members at those meetings.

Training

15. A key function of this committee is to promote and maintain high standards of conduct by elected Members. During the year training on the elected member Code of Conduct and Standards regime has been offered to Members and I pleased to report there has been good attendance at these sessions.

16. It's pleasing to report that all three political Group Leaders are very supportive of recommendations made by this Committee in terms of training and development. In turn recommendations have been progressed through the Member Development Strategic Steering Group.

17. The record of Members training is attached to this report at Appendix C.

17. Finally, I cannot close this Report without mentioning the support which has been provided to the Committee (as well as to me personally) by Angela Claridge in her role as Monitoring Officer before she left the Council at the end of March 2021. I enjoyed working with her and wish her well for the future.

18. I would also like to acknowledge the support provided by Democratic Services who are always willing to go that extra mile to support me in this role.

Cllr S Saleem

Standards Committee Chair

May 2021

COUNCILLORS ATENDANCE MAY 2020-MAY 2021

Member Title	Forename	Surname	Committee	Meetings Attended	Possible Meetings	Attendance Percent
Councillor	Haji	Abid	Administration and Regulation Committee	4	10	40%
Councillor	Haji	Abid	Constitution Committee	2	4	50%
Councillor	Haji	Abid	Full Council	7	8	87.50%
Councillor	Haji	Abid	Petitions and Representations Board	0	1	0%
TOTAL				13	23	56.52%
Councillor	Hannah	Adrees	Administration and Regulation Committee	8	10	80%
Councillor	Hannah	Adrees	Full Council	8	8	100%
Councillor	Hannah	Adrees	Scrutiny Health and Social Care Review Group	7	9	77.77%
Councillor	Hannah	Adrees	Audit and Governance Committee	3	4	75%
TOTAL				26	31	83.87%
Councillor	David	Agbley	Scrutiny Health and Social Care Review Group	9	9	100%
Councillor	David	Agbley	Full Council	6	8	75%
Councillor	David	Agbley	Scrutiny Crime and Disorder Committee	1	1	100%
Councillor	David	Agbley	Development Control Committee	11	12	91%
Councillor	David	Agbley	Overview and Scrutiny Board	8	8	100%
TOTAL				35	38	92.10%
Councillor	Raja	Ahmed	Audit and Governance Committee	3	4	75%
Councillor	Raja	Ahmed	Full Council	8	8	88%
Councillor	Raja	Ahmed	Overview and Scrutiny Board	5	8	100%
Councillor	Raja	Ahmed	Scrutiny Crime and Disorder Committee	0	1	0%
TOTAL				16	21	76.19
Councillor	Waheed	Akbar	Administration and Regulation Committee	9	10	90%
Councillor	Waheed	Akbar	Full Council	8	8	100%

Councillor	Waheed	Akbar	Petitions and Representations Board	0	1	0%
TOTAL				17	19	89.47
Councillor	Amjid	Ali	Development Control Committee	9	12	75%
Councillor	Amjid	Ali	Full Council	7	8	87.50%
TOTAL				16	20	80.00%
Councillor	Lee	Bridgen	Development Control Committee	12	12	100%
Councillor	Lee	Bridgen	Full Council	8	8	100%
	Lee	Bridgen	Scrutiny Health and Social Care Review Group	1	1	100%
TOTAL				21	21	100%
Councillor	Jacqui	Burnett	Executive	12	17	70%
Councillor	Jacqui	Burnett	Full Council	8	8	100%
TOTAL				20	25	80.00%
Councillor	Gilbert	Campbell	Development Control Committee	9	12	75%
Councillor	Gilbert	Campbell	Full Council	6	8	75.00%
Councillor	Gilbert	Campbell	Health and Wellbeing Board	3	12	25%
Councillor	Gilbert	Campbell	Scrutiny Health and Social Care Review Group	6	9	66.66%
TOTAL				24	41	58.53%
Councillor	Paul	Castleman	Audit and Governance Committee	3	4	75%
Councillor	Paul	Castleman	Executive	16	17	94%
Councillor	Paul	Castleman	Full Council	8	8	100%
Councillor	Paul	Castleman	Administration and Regulation Committee	9	10	90%
TOTAL				36	39	92.30%
Councillor	Peter	Chapman	Full Council	8	8	100%
Councillor	Peter	Chapman	Overview and Scrutiny Board	6	8	75%
Councillor	Peter	Chapman	Scrutiny Crime and Disorder Committee	0	1	0%
TOTAL				14	17	82.35%
Councillor	David	Chapman	Audit and Governance Committee	3	4	75%
Councillor	David	Chapman	Full Council	8	8	100%

Councillor	David	Chapman	Petitions and Representations Board	1	1	100%
Councillor	David	Chapman	Scrutiny Children's Services Review Group	9	9	100%
Councillor	David	Chapman	Standards Committee	3	4	75%
TOTAL				24	26	92.30%
Councillor	Kashif	Choudhry	Full Council	8	8	100%
TOTAL				8	8	100%
Councillor	Anne	Donelon	Development Control Committee	11	12	91%
Councillor	Anne	Donelon	Full Council	6	9	66%
Councillor	Anne	Donelon	Scrutiny Health and Social Care Review Group	9	9	100%
TOTAL				26	30	86.66%
Councillor	David	Franks	Constitution Committee	4	4	100%
Councillor	David	Franks	Development Control Committee	12	12	100%
Councillor	David	Franks	Full Council	8	8	100%
Councillor	David	Franks	Overview and Scrutiny Board	8	8	100%
Councillor	David	Franks	Scrutiny Crime and Disorder Committee	1	1	100%
Councillor	David	Franks	Scrutiny Finance Review Group	9	9	100%
TOTAL				42	42	100.00%
Councillor	Mahmood	Hussain	Constitution Sub Committee	2	2	100%
Councillor	Mahmood	Hussain	Constitution Committee	4	4	100%
Councillor	Mahmood	Hussain	Development Control Committee	12	12	100%
Councillor	Mahmood	Hussain	Executive	17	17	100%
Councillor	Mahmood	Hussain	Full Council	8	8	100%
Councillor	Mahmood	Hussain	Health and Wellbeing Board	10	12	83%
Councillor	Mahmood	Hussain	Standards Committee	4	4	100%
TOTAL				57	59	96.61%
Councillor	Abbas	Hussain	Constitution Sub Committee	2	2	100%
Councillor	Abbas	Hussain	Constitution Committee	4	4	100%
Councillor	Abbas	Hussain	Petitions and Representations Board	1	1	100%

Councillor	Abbas	Hussain	Audit and Governance Committee	4	4	100%
Councillor	Abbas	Hussain	Development Control Committee	11	12	91%
Councillor	Abbas	Hussain	Full Council	8	8	100%
Councillor	Abbas	Hussain	Overview and Scrutiny Board	8	8	100%
Councillor	Abbas	Hussain	Scrutiny Crime and Disorder Committee	1	1	100%
TOTAL				39	40	97.50%
Councillor	Javed	Hussain	Executive	15	17	88%
Councillor	Javed	Hussain	Full Council	8	8	100%
Councillor	Javed	Hussain	Health and Wellbeing Board	10	12	83%
TOTAL				33	37	89.18%
Councillor	Javeria	Hussain	Audit and Governance Committee	3	4	75%
Councillor	Javeria	Hussain	Full Council	8	8	100%
Councillor	Javeria	Hussain	Overview and Scrutiny Board	8	8	100%
Councillor	Javeria	Hussain	Scrutiny Crime and Disorder Committee	1	1	100%
TOTAL				20	21	95.23%
Councillor	Saima	Hussain	Full Council	8	8	100%
Councillor	Saima	Hussain	Administration and Regulation Committee	10	10	100%
TOTAL				18	18	100%
Councillor	Ghulam	Javed	Constitution Committee	3	4	75%
Councillor	Ghulam	Javed	Full Council	8	8	100%
Councillor	Ghulam	Javed	Overview and Scrutiny Board	5	8	62%
Councillor	Ghulam	Javed	Scrutiny Crime and Disorder Committee	1	1	100%
TOTAL				17	21	80.95%
Councillor	Terry	Keens	Scrutiny Children's Services Review Group	9	9	100%
Councillor	Terry	Keens	Full Council	8	8	100%
Councillor	Terry	Keens	Overview and Scrutiny Board	8	8	100%
Councillor	Terry	Keens	Scrutiny Crime and Disorder Committee	1	1	100%
TOTAL				26	26	100.00%

Councillor	Aslam	Khan	Executive	16	17	94%
Councillor	Aslam	Khan	Full Council	8	8	100%
TOTAL				24	25	96.00%
Councillor	Summara	Khurshid	Full Council	5	8	62.50%
Councillor	Summara	Khurshid	Scrutiny Children's Services Review Group	6	9	66%
Councillor	Summara	Khurshid	Scrutiny Finance Review Group	1	4	25%
TOTAL				12	21	57.14%
Councillor	Maria	Lovell	Administration and Regulation Committee	10	10	100%
Councillor	Maria	Lovell	Full Council	7	8	87.50%
Councillor	Maria	Lovell	Scrutiny Children's Services Review Group	7	9	77.77%
TOTAL				24	27	88.88%
Councillor	Andrew	Malcolm	Executive	16	17	94%
Councillor	Andrew	Malcolm	Full Council	8	8	100%
TOTAL				24	25	96.00%
Councillor	Tahir	Malik	Full Council	6	8	75.00%
TOTAL				6	8	75.00%
Councillor	Khtija	Malik	Executive	17	17	100%
Councillor	Khtija	Malik	Full Council	8	8	100%
Councillor	Khtija	Malik	Health and Wellbeing Board	10	12	83%
TOTAL				35	37	94.59%
Councillor	Asif	Masood	Constitution Committee	4	4	100%
Councillor	Asif	Masood	Full Council	8	8	100%
Councillor	Asif	Masood	Scrutiny Finance Review Group	4	4	100%
TOTAL				16	16	100.00%
Councillor	Clive	Mead	Administration and Regulation Committee	9	10	90%
Councillor	Clive	Mead	Full Council	8	8	100%
TOTAL				17	18	94.44%
Councillor	Diane	Moles	Constitution Committee	2	4	50%
Councillor	Diane	Moles	Full Council	8	8	100%
Councillor	Diane	Moles	Scrutiny Children's Services Review Group	8	9	88%
Councillor	Diane	Moles	Scrutiny Finance Review Group	8	9	88%

Councillor	Diane	Moles	Standards Committee	3	4	75%
TOTAL				29	34	85.29%
Councillor	Amy	Nicholls	Full Council	8	8	100%
Councillor	Amy	Nicholls	Overview and Scrutiny Board	8	8	100%
Councillor	Amy	Nicholls	Scrutiny Crime and Disorder Committee	1	1	100%
Councillor	Amy	Nicholls	Scrutiny Finance Review Group	3	5	60%
Councillor	Amy	Nicholls	Standards Committee	4	4	100%
TOTAL				24	26	92.30%
Councillor	Anna	Pedersen	Overview and Scrutiny Board	8	8	100%
Councillor	Anna	Pedersen	Full Council	8	8	100%
Councillor	Anna	Pedersen	Scrutiny Crime and Disorder Committee	1	1	100%
Councillor	Anna	Pedersen	Scrutiny Health and Social Care Review Group	8	8	100%
TOTAL				25	25	100%
Councillor	Jeff	Petts	Full Council	6	8	75%
Councillor	Jeff	Petts	Scrutiny Children's Services Review Group	8	9	88.88%
Councillor	Jeff	Petts	Scrutiny Crime and Disorder Committee	1	1	100%
Councillor	Jeff	Petts	Scrutiny Health and Social Care Review Group	9	9	100%
Councillor	Jeff	Petts	Standards Committee	2	4	50%
Councillor	Jeff	Petts	Overview and Scrutiny Board	5	8	62%
TOTAL				30	39	76.92%
Councillor	Robert	Roche	Development Control Committee	12	12	100%
Councillor	Robert	Roche	Full Council	8	8	100%
Councillor	Robert	Roche	Scrutiny Children's Services Review Group	8	9	88.88%
Councillor	Robert	Roche	Scrutiny Finance Review Group	9	9	100%
Councillor	Robert	Roche	Scrutiny Health and Social Care Review Group	9	9	100%
Councillor	Robert	Roche	Standards Committee	4	4	100%
TOTAL				50	51	98.03%

Councillor	Sameera	Saleem	Standards Committee	4	4	100%
Councillor	Sameera	Saleem	Constitution Sub Committee	2	2	0%
Councillor	Sameera	Saleem	Constitution Committee	2	4	50%
Councillor	Sameera	Saleem	Full Council	8	8	100%
TOTAL				16	18	88.88%
Councillor	Tahmina	Saleem	Full Council	8	8	100%
Councillor	Tahmina	Saleem	Overview and Scrutiny Board	8	8	100%
Councillor	Tahmina	Saleem	Scrutiny Crime and Disorder Committee	1	1	100%
Councillor	Tahmina	Saleem	Scrutiny Finance Review Group	4	5	80%
TOTAL				21	22	95.45%
Councillor	Tom	Shaw	Executive	17	17	100%
Councillor	Tom	Shaw	Full Council	8	8	100%
TOTAL				25	25	100%
Councillor	Hazel	Simmons	Executive	16	17	94%
Councillor	Hazel	Simmons	Full Council	6	8	75%
Councillor	Hazel	Simmons	Health and Wellbeing Board	9	12	75%
Councillor	Hazel	Simmons	Petitions and Representations Board	1	1	100%
TOTAL				32	38	84.21%
Councillor	Alan	Skepelhorn	Constitution Sub Committee	2	2	100%
Councillor	Alan	Skepelhorn	Constitution Committee	0	4	0%
Councillor	Alan	Skepelhorn	Full Council	4	8	50.00%
Councillor	Alan	Skepelhorn	Petitions and Representations Board	1	1	100%
Councillor	Alan	Skepelhorn	Scrutiny Finance Review Group	5	9	55%
Councillor	Alan	Skepelhorn	Standards Committee	3	4	75%
TOTAL				15	28	53.57%
Councillor	Dave	Taylor	Development Control Committee	12	12	100%
Councillor	Dave	Taylor	Full Council	8	8	100%
Councillor	Dave	Taylor	Petitions and Representations Board	1	1	100%
TOTAL				21	21	100.00%
Councillor	Sian Julie	Timoney	Executive	15	17	88%

Councillor	Sian Julie	Timoney	Constitution Committee	4	4	100%
Councillor	Sian Julie	Timoney	Full Council	7	8	87.50%
TOTAL				26	29	89.65%
Councillor	Richard	Underwood	Audit and Governance Committee	3	4	75%
Councillor	Richard	Underwood	Full Council	8	8	88%
Councillor	Richard	Underwood	Scrutiny Health and Social Care Review Group	9	9	100%
TOTAL				20	21	95.23%
Councillor	Yasmin	Waheed	Full Council	8	8	100%
Councillor	Yasmin	Waheed	Scrutiny Finance Review Group	7	9	77%
Councillor	Yasmin	Waheed	Standards Committee	4	4	100%
TOTAL				19	21	90.47%
Councillor	David	Wynn	Administration and Regulation Committee	10	10	100%
Councillor	David	Wynn	Full Council	8	8	100%
Councillor	David	Wynn	Overview and Scrutiny Board	8	8	100%
Councillor	David	Wynn	Scrutiny Crime and Disorder Committee	1	1	100%
TOTAL				27	27	100%
Councillor	John	Young	Scrutiny Finance Review Group	9	9	100%
Councillor	John	Young	Constitution Sub Committee	2	2	100%
Councillor	John	Young	Constitution Committee	2	4	50%
Councillor	John	Young	Full Council	8	8	100%
Councillor	John	Young	Standards Committee	3	4	75%
TOTAL				24	27	88.88%

	Mandatory training - Must be completed at least once during the term of office												
Councillor	Training	Cllr Induction Session 6pm	Code of Conduct / Standards	Scrutiny Training	Fair Selection	GDPR	Unconscious Bias	Safeguarding	Risk Management	Scrutiny Finance	Personnel Appeals	Corporate Parenting	
	Party												Licensing
Cllr Haji Abid	Labour	14.05.2019	13.06.2019				06.11.2019						
Cllr Hannah Adrees	Labour	14.05.2019	13.06.2019			08.02.201	06.11.2019	30.01.2020					20.10.20
Cllr David Agbley	Labour	14.05.2019		17.06.2019						25.07.2019		26.10.20	20.10.20
Cllr Raja Ahmed	Labour	14.05.2019		17.06.2019		30.09.2019	06.11.2019	30.01.2020	17.02.2020				
Cllr Waheed Akbar	Labour											26.10.20	20.10.20
Cllr Amjid Ali	Liberal Democrat		13.06.2019	17.06.2019				30.01.2020					
Cllr Lee Bridgen	Liberal Democrat	14.05.2019	13.06.2019				06.11.2019	30.01.2020					
Cllr Jacqui Burnett	Labour					30.09.2019							26.10.19
Cllr Gilbert Campbell	Conservative					30.09.2019							
Cllr Paul Castleman	Labour					08.02.2021	06.11.2019	30.01.2020	17.02.2020			26.10.20	20.10.20
Cllr David Chapman	Liberal Democrat	14.05.2019	13.06.2019										
Cllr Peter Chapman	Liberal Democrat												
Cllr Kashif Choudhry	Labour	14.05.2019	13.06.2019	17.06.2019		08.02.2021	06.11.2019	30.01.2020	17.02.2020			26.10.20	20.10.20
Cllr Anne Donelon	Labour	14.05.2019											
Cllr David Franks	Liberal Democrat											26.10.20	
Cllr Rachel Hopkins	Labour	14.05.2019	13.06.2019		24.06.2019								
Cllr Abbas Hussain	Labour	14.05.2019	13.06.2019	17.06.2019		08.02.2021	06.11.2019	30.01.2020	17.02.2020				20.10.20
Cllr Javed I Hussain	Labour	14.05.2019	13.06.2019	17.06.2019	24.06.2019	30.09.2019	06.11.2019		17.02.2020			26.10.20	20.10.20
Cllr Javeria Hussain	Labour	14.05.2019	13.06.2019		24.06.2019	08.02.2021							20.10.20
Cllr Mahmood Hussain	Labour		13.06.2019	.	24.06.2019	30.09.2019	06.11.2019	30.01.2020	17.02.2020			26.10.20	26.10.19
Cllr Saima Hussain	Labour					08.02.2021	06.11.2019	30.01.2020				26.10.20	20.10.20
Cllr Ghulam Javed	Labour	14.05.2019		17.06.2019		08.02.2021	06.11.2019	30.01.2020	17.02.2020			26.10.20	20.10.20
Cllr Terry Keens	Liberal Democrat	14.05.2019		17.06.2019								26.10.20	
Cllr Aslam Khan	Labour	14.05.2019										26.10.20	20.10.20
Cllr Summara Khurshid	Labour	14.05.2019					06.11.2019						
Cllr Maria Lovell	Labour	14.05.2019						30.01.2020					
Cllr Andrew Malcolm	Labour												
Cllr Khtija Malik	Labour	14.05.2019		17.06.2019		30.09.2019	06.11.2019					26.10.20	20.10.20
Cllr Tahir Malik	Labour												
Cllr Asif Masood	Labour					08.02.2021	06.11.2019	30.01.2020					
Cllr Clive Mead	Liberal Democrat	14.05.2019	13.06.2019			08.02.2021						26.10.20	26.10.19
Cllr Diane Moles	Liberal Democrat												20.10.20
Cllr Amy Nicholls	Labour	14.05.2019	13.06.2019	17.06.2019		30.09.2019	06.11.2019			25.07.19		26.10.20	20.10.20
Cllr Anna Pedersen	Liberal Democrat		13.06.2019	17.06.2019		08.02.2021							20.10.20
Cllr Jeff Petts	Conservative					08.02.2021				25.07.2019		26.10.20	
Cllr Mark Rivers	Labour			17.06.2019	01.07.2019		06.11.2019			25.07.2019			26.10.19
Cllr Robert Roche	Labour	14.05.2019	13.06.2019	17.06.2019		30.09.2019	06.11.2019	30.01.2020	17.02.2020			26.10.20	
Cllr Sameera Saleem	Labour		13.06.2019			30.09.2019		30.01.2020		25.07.2019			
Cllr Tahmina Saleem	Labour	14.05.2019				08.02.2021	06.11.2019	30.01.2020	17.02.2020			26.10.20	20.10.20
Cllr Tom Shaw	Labour					30.09.2019	06.11.2019					26.10.20	
Cllr Hazel Simmons	Labour					30.09.2019							
Cllr Alan Skepelhorn	Liberal Democrat												
Cllr Dave Taylor	Labour		13.06.2019			08.02.2021	06.11.2019					26.10.20	20.10.20
Cllr Sian Timoney	Labour				24.06.2019	08.02.2021		30.01.2020					
Cllr Richard Underwood	Liberal Democrat	14.05.2019	13.06.2019									26.10.20	
Cllr Yasmin Waheed	Labour	14.05.2019	13.06.2019		01.07.2019	08.02.2021						26.10.20	20.10.20
Cllr David Wynn	Liberal Democrat		13.06.2019	17.06.2019		30.09.2019		30.01.2020				26.10.20	20.10.20
Cllr John Young	Conservative			17.06.2019	01.07.2019	08.02.2021							

[illegible]

Committee Specific Training - Must have been undertaken prior to sitting on the committee				
Councillor	Training	Development Control	Audit and Governance	
	Party			
Cllr Haji Abid	Labour			
Cllr Hannah Adrees	Labour		12.06.2019	
Cllr David Agbley	Labour	29.05.2019		
Cllr Raja Ahmed	Labour		12.06.2019	
Cllr Waheed Akbar	Labour	29.05.2019		
Cllr Amjid Ali	Liberal Democrat	29.05.2019		
Cllr Lee Bridgen	Liberal Democrat	29.05.2019		
Cllr Jacqui Burnett	Labour	29.05.2019		
Cllr Gilbert Campbell	Conservative	29.05.2019		
Cllr Paul Castleman	Labour	29.05.2019	12.06.2019	
Cllr David Chapman	Liberal Democrat		12.06.2019	
Cllr Peter Chapman	Liberal Democrat			
Cllr Kashif Choudhry	Labour			
Cllr Anne Donelon	Labour	29.05.2019		
Cllr David Franks	Liberal Democrat	29.05.2019		
Cllr Rachel Hopkins	Labour			
Cllr Abbas Hussain	Labour	29.05.2019	12.06.2019	
Cllr Javed I Hussain	Labour	29.05.2019		
Cllr Javeria Hussain	Labour			
Cllr Mahmood Hussain	Labour	29.05.2019		
Cllr Saima Hussain	Labour			
Cllr Ghulam Javed	Labour			
Cllr Terry Keens	Liberal Democrat	29.05.2019		
Cllr Aslam Khan	Labour	29.05.2019		
Cllr Summara Khurshid	Labour			
Cllr Maria Lovell	Labour			
Cllr Andrew Malcolm	Labour			
Cllr Khtija Malik	Labour	29.05.2019		

Cllr Tahir Malik	Labour			
Cllr Asif Masood	Labour			
Cllr Clive Mead	Liberal Democrat	29.05.2019		
Cllr Diane Moles	Liberal Democrat			
Cllr Amy Nicholls	Labour			
Cllr Anna Pedersen	Liberal Democrat			
Cllr Jeff Petts	Conservative			
Cllr Mark Rivers	Labour	29.05.2019		
Cllr Robert Roche	Labour	29.05.2019		
Cllr Sameera Saleem	Labour			
Cllr Tahmina Saleem	Labour			
Cllr Tom Shaw	Labour			
Cllr Hazel Simmons	Labour			
Cllr Alan Skepelhorn	Liberal Democrat	29.05.2019		
Cllr Dave Taylor	Labour	29.05.2019		
Cllr Sian Timoney	Labour			
Cllr Richard Underwood	Liberal Democrat		12.06.2019	
Cllr Yasmin Waheed	Labour	29.05.2019		
Cllr David Wynn	Liberal Democrat	29.05.2019		
Cllr John Young	Conservative			

Committee:	Standards Committee			
Date of Meeting:	10 June 2021			
Subject:	Annual Whistleblowing Policy Report 2020/21			
Report Author:	Head of Legal & Interim Monitoring Officer			
Contact Officer:	Raj Popat			
Implications:	Legal	<input type="checkbox"/>	Community Safety	<input type="checkbox"/>
	Equalities	<input type="checkbox"/>	Environment	<input type="checkbox"/>
	Financial	<input type="checkbox"/>	Consultations	<input type="checkbox"/>
	Staffing	<input type="checkbox"/>	Other	<input type="checkbox"/>
Wards Affected:	All			

Purpose

1. To report to the Committee on the update and operation of the Council's Whistleblowing Policy.

Recommendation(s)

2. The Committee is recommended to note the report.

Background

3. The Council has had a Whistleblowing Policy in place since 1999, it can be found in part 12 of the Council's Constitution (shown at appendix A). It has been revised several times since 1999, most recently on 5 January 2016.
4. The Whistleblowing Policy is available to all Council employees, and in addition applies to Council contractors and suppliers. The scope of the Whistleblowing Policy is detailed in paragraph 1.3 of Appendix A. School based staff are subject to their own procedures. However, two of the cases below, a decrease of six in the previous year, relate to allegations raised in relation to practices within school environments. Allegations made in a school setting are typically investigated by the Head Teacher or Chair of Governors, however complainants do have the option of referring their allegations to the Council's Monitoring Officer which is what has happened in these two cases.
5. Ofsted have their own Whistleblowing Policy which relates to allegations in respect of children's social care, which can be accessed by Council staff and contractors. In addition, the National Society for the Protection of Cruelty to Children (NSPCC) run a Whistleblowing help-line on behalf of the Home Office.

6. Five of the complaints included in this report were in relation to private residential care homes which could also have been referred to the organisation that provided the care or the external Care Quality Commission (CQC) but were raised with the Council as whistleblowing.
7. The Whistleblowing charity "Protect", formerly Public Concern at Work, describe whistleblowing as *".... whistleblowing is called speaking up or raising a concern. It is all about ensuring that if someone sees something wrong in the workplace, they are able to raise this within their organisation, to a regulator, or wider. Whistleblowing ultimately protects customers, staff, beneficiaries, and the organisation itself by identifying harm before its too late"*. All of the allegations referred to in this report were described as "whistleblowing" by the complainants.

Report

8. This report covers the period of the financial year 2020/21. During the financial year 2020/21 ten complaints were received. The comparable figure for 2019/20 was fourteen and in 2018/19 it was nineteen complaints.

9. The Complaints fell into the following categories:

Safeguarding/quality of care (external organisations)	5
Safeguarding/quality of care (internal)	1
Allegations arising from employment in schools	2
Financial irregularities	1
Passenger Transport multiple complaints	1
	10

10. Allegations, once received are investigated through a variety of means most appropriate to the nature of the allegations – this can include Internal Audit, the Council's School Improvement Service, the Council's Quality Assurance Team and Human Resources.
11. Three of the allegations were anonymously submitted. All these were investigated within the limitations of not being able to interview the complainant. It is always difficult to investigate anonymous allegations not least because it is difficult to establish the credibility of the allegations and whether they can realistically be investigated just from sources other than the complainant. In accordance with the Council's Whistleblowing Policy all allegations are treated in confidence and every effort made not to reveal a complainants identity when known unless they otherwise request. However, if the matter is subsequently dealt with through other Council procedures such as the Disciplinary Procedure the complainant's identity may have to be revealed in accordance with that procedure if the matter is to be effectively dealt with.
12. Of the ten allegations, the outcomes were:
 - the two school complaints led to disciplinary action by the Governors supported by HR against the members of staff concerned;

- one raising safeguarding concerns within a care setting, was subject to an unannounced visit and resulted in an improvement plan;
- an action plan was agreed with a care home following an anonymous complaint to make improvements to staff capability, confidence, competency and consistency in service delivery.
- one allegation was investigated under the Council's Complaints Procedure instead;
- one relating to passenger transport contractor led to suspension of contract pending appeal;
- in four cases the allegations were not upheld.

Appendix

13. The following appendix is attached to this report:

Appendix A – Whistleblowing Policy

List of Background Papers

Local Government Act 1972, Section 100D

Whistleblowing Policy

Author: HR Strategy team

Contact: helen.ginty@luton.gov.uk

Version: v1.0 (published)

Last updated: September 2020

Contents

1.	Introduction	2
2.	Aims and scope of this policy	2
3.	Safeguards	3
4.	Confidentiality	4
5.	Anonymous allegations	4
6.	Untrue and or vexatious allegations	4
7.	How to make serious allegations	4
8.	How the council will respond	5
9.	Confidentiality	6
10.	Register of allegations	6

Document history

Version	Date	Notes	Prepared by
		This document forms Part 12 of the Luton Borough Council constitution	
1.0	Sept 20	Format changed for accessibility and council style	J Toye

1. Introduction

- 1.1 Luton Borough Council is committed to the highest possible standards of openness, probity and accountability. This policy recognises that employees may sometimes have serious concerns about how the council conducts its business but feel unable to raise these in the normal way.
- 1.2 This policy is intended to provide employees with a means of making serious allegations about standards, conduct, financial irregularity or possible unlawful action in a way that will not be seen as being disloyal to their colleagues or to the council. This policy is also intended to provide “whistleblowers” with protection from being victimised, discriminated against or disadvantaged for having made an allegation in good faith.
- 1.3 The policy applies to all individuals working at all levels of the organisation, including all Members, employees and contractors working for the council, for example, agency staff, builders and drivers. It also applies to suppliers and those providing services under a contract with the council in their own premises, for example, care homes.

References in this policy to employees are to be read as also referring to those mentioned in this paragraph. Any protection or benefit available to an employee under this policy will also be available as far as reasonably practicable to those mentioned in this paragraph. This policy does not apply to schools or to employees based in schools as they have their own procedures.

- 1.4 This policy is in addition to the council’s complaints procedure and other specifically laid down statutory reporting procedures applying to some departments e.g. Social Services abuse procedures.
- 1.5 This policy takes account of the Whistleblowing Arrangements Code of Practice issued by the British Standards Institute and Public Concern at Work. This policy has the support of the relevant trade unions.
- 1.6 This policy is intended to ensure that the council complies with its duty under the Public Interest Disclosure Act 1998.

2. Aims and scope of this policy

- 2.1 This policy aims to:
 - encourage employees to feel confident in making serious allegations;
 - provide a means for employees to make those allegations and receive feedback on any action taken;
 - ensure confidentiality if required;
 - reassure employees that they will be protected from possible reprisals or victimisation, and;
 - reassure employees that they will suffer no detriment or disadvantage from making allegations as long as they do so in good faith, genuinely believing their allegations to be valid.
- 2.2 This policy does not replace other council policies. In particular, if employees have a grievance about their manager and/or their working conditions they should use the council’s Grievance Procedure or discuss the matter with their Trade Union representative. Similarly, if employees have concerns about the conduct of fellow employees in the working environment they should raise these with their line manager, or if that is not possible with a more senior manager, or, if a member of a Trade Union, discuss these with their Trade Union representative.

This policy is not intended to cover conduct which may arise in any working environment and which can be dealt with through the council’s normal mechanisms (e.g. the Disciplinary procedure, or the Procedure on Unfair Discrimination, Harassment and Bullying). This policy is intended to cover serious allegations that fall outside the scope of other council policies and procedures or where employees may lack the confidence or be too fearful to use those policies and procedures.

2.3 Whistleblowing is the disclosure of information that relates to suspected wrong doing or dangers at work. This may include:

- conduct which is an offence or a breach of law i.e. criminal activity
- alleged miscarriages of justice
- health and safety risks, including risks to the public as well as to other employees;
- the unauthorised use of public funds
- possible fraud, bribery and corruption
- sexual, physical or verbal abuse of, or bullying or intimidation of customers or service users
- abuse of authority
- damage to the environment e.g. fly tipping
- failure to comply with any legal obligation or regulatory requirements
- conduct likely to damage our reputation
- unauthorised disclosure of confidential information
- other unethical conduct
- the deliberate concealment of any of the above matters

These are examples, the list is not exhaustive.

2.4 A whistleblower is a person who raises a genuine concern relating to any of the above.

2.5 Anyone with genuine concerns related to suspected wrongdoing or danger affecting any of our activities (a whistleblowing concern) should report it under this policy. This may be:

- a significant and serious departure from accepted standards, or the standards the council subscribes to;
- serious improper conduct, or;
- where someone appears to be vulnerable or at risk.

3. Safeguards

3.1 The council is committed to good practice and high standards and wants to be supportive of its employees. It aims to encourage openness and will support staff who raise genuine concerns under this policy, even if they turn out to be mistaken.

3.2 The council recognises that the decision to make a serious allegation can be a difficult one to make. However, employees who make serious allegations that are in the public interest will have nothing to fear because they are doing their duty to their employer and those for whom they are providing a service.

3.3 The council will take appropriate action to protect an employee who makes a serious allegation that is in the public interest from any reprisals, harassment or victimisation.

3.4 Any investigation into allegations of potential malpractice will not influence or be influenced by any other procedures to which the employee making the allegation may be subject, or may have instigated, e.g. disciplinary, grievance or redundancy procedures.

3.5 Staff must not suffer any detrimental treatment as a result of raising a concern unless it is subsequently established that the concern was raised maliciously or with a view to personal gain in which case the provision in section 6 will apply.

Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the council's Monitoring Officer immediately. If the matter is not remedied you should raise it formally using the councils Grievance Procedure.

- 3.6 Staff must not threaten or retaliate against whistleblower's in any way. If you are involved in such conduct, you may be subject to disciplinary action. In some cases the whistleblower could have a right to sue you personally for compensation in an employment tribunal.

4. Confidentiality

- 4.1 All allegations will be treated in confidence and every effort will be made not to reveal an employee's identity unless the employee otherwise requests. However, if the matter is subsequently dealt with through other council procedures such as the Disciplinary Procedure the complainant's identity may have to be revealed in accordance with that procedure if the matter is to be effectively dealt with.
- 4.2 In order to help employees decide whether or not an issue should be raised, they may, in the first instance wish to discuss it with their Trade Union representative. It may be that the person confided in may feel more comfortable taking the matter forward on behalf of the employee. It may also be easier to raise the matter if there are two (or more) people who have had the same experience(s).

5. Anonymous allegations

- 5.1 This policy encourages employees to put their name to an allegation whenever possible, as anonymous allegations may often be difficult to substantiate/prove.
- 5.2 Allegations made anonymously are much less powerful but allegations raised internally will be considered at the discretion of the council's Monitoring Officer.
- 5.3 In exercising discretion to accept an anonymous allegation the factors to be taken into account by the council's Monitoring Officer would include;
- the seriousness of the issues raised;
 - the credibility of the allegation, and;
 - whether the allegation can realistically be investigated from facts or sources other than the complainant.

6. Untrue and or vexatious allegations

- 6.1 No disciplinary or other action will be taken against an employee who makes an allegation in good faith genuinely believing it to be true even if the allegation is not substantiated by an investigation. However, disciplinary action may be taken against an employee who makes an allegation frivolously, maliciously or for personal gain.

7. How to make serious allegations

- 7.1 As a first step, an employee should if possible make a serious allegation with their immediate manager. However, this may depend on the seriousness and sensitivity of the issues involved and who is suspected of the malpractice. For example, if the employee believes that management is involved it would be inappropriate to raise the matter directly with them. For these reasons the following reporting methods have been put in place to help employees to raise the matter: Direct to the council's Monitoring Officer telephone 01582 546291 or e-mail: whistle@luton.gov.uk (Internal: LBC Whistle)
- 7.2 Serious allegations may be made orally or in writing. Whether a written or oral report is made it is important that relevant information is provided including;
- the name of the person making the allegation and a contact point. As referred to above it will be more difficult for the council to pursue issues if allegations are made anonymously;
 - the background and history of the allegation (giving relevant dates and names and positions of those who may be in a position to have contributed to the allegation), and;
 - the particular reason for the allegation.

- 7.3 The earlier the allegation is made the easier it is to take action.
- 7.4 Although someone making an allegation will not be expected to prove the truth of any allegations, in order to assist management in any investigation to be carried out, they will need to provide information to the person contacted that there are reasonable grounds for the allegation.
- 7.5 Someone making an allegation may invite their trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the allegation.
- 7.6 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases it should not be necessary to alert anyone externally.
- 7.7 The law recognises that in some circumstances it may be appropriate to report concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. The council strongly recommends that advice is sought before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline and if individuals are in any doubt they should contact them. Alternatively, Trade Union members may contact their Trade Union for advice.

8. How the council will respond

- 8.1 The council will respond in every case to an allegation made under this policy. The way in which the council will respond is set out below.
- 8.2 Where the allegation is made internally and not direct to the council's Monitoring Officer, the person with whom the allegation is first raised (e.g. line manager or other council officer) is the "receiving officer". The receiving officer will discuss the allegation with the complainant. If, following discussion, the complainant wants to proceed with the allegation the receiving officer will take the following steps:
- The receiving officer will notify the council's Monitoring Officer by telephone or e-mail that the allegation has been made and give details to the Council's Monitoring Officer. This is so that the allegation can be registered in the Register of Whistleblowing Complaints. The Register is confidential.
 - If the allegation relates to fraud or potential fraud or other financial irregularity the council's Monitoring Officer will notify the Service Director, Finance and Audit in writing.
 - The council's Monitoring Officer will discuss with the receiving officer the best way of investigating the allegation. If the allegation relates to fraud or potential fraud or other financial irregularity the council's Monitoring Officer will also discuss this with the Service Director, Finance and Audit.
 - The council's Monitoring Officer and the receiving officer will agree on the method of investigation. If the council's Monitoring Officer and the receiving officer cannot agree on the method of investigation the council's Monitoring Officer's decision will prevail. In the case of fraud, potential fraud or other financial irregularity the method of investigation will be determined by the Service Director, Finance and Audit after discussions with the receiving officer and the council's Monitoring Officer.
- 8.3 Where the complaint is made direct to the council's Monitoring Officer then the council's Monitoring Officer, after liaison with any other appropriate officer(s) will decide if and how the matter should be investigated and will follow the steps set out below.
- 8.4 If the allegation discloses evidence of a criminal offence the council's Monitoring Officer or the Service Director, Finance and Audit may decide to inform the Police.
- 8.5 Some allegations may be resolved by agreed action without the need for investigation.

- 8.6 Within 10 working days of an allegation being made, the council's Monitoring Officer will write to the person who raised the allegation (unless they have requested not to be contacted or to be contacted in a different way other than through a letter)
- acknowledging that the allegation has been received
 - indicating how the Council propose to deal with the matter
 - giving an estimate of how long it will take to provide a final response
 - indicating whether any initial enquiries have been made
 - supplying information on employee support mechanisms, and
 - indicating whether further investigations will take place and if not, why not.
- 8.7 Where the allegation has been made internally and anonymously, obviously the council will be unable to communicate what action has been taken.
- 8.8 The amount of contact between the officers considering the issues and the person making the allegation will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the council will seek further information from the person making the allegation.
- 8.9 The council will take steps to minimise any difficulties which may be experienced as a result of making an allegation. For instance, if an employee is required to give evidence in criminal or disciplinary proceedings the council will arrange for them to receive advice about the procedure and ensure that support mechanisms are made available where needed or desired.
- 8.10 The council accepts that employees need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform those making allegations of the outcome of any investigation.
- 8.11 The council will ensure that support is provided to those making allegations.

9. Confidentiality

- 9.1 The council will keep the identity of the complainant confidential at all times unless the complainant otherwise requests.
- 9.2 A receiving officer (see section 8.2. for the definition) will disclose the complainant's identity to the council's Monitoring Officer but to no other person. A receiving officer and the council's Monitoring Officer will endeavour not to reveal any facts which could lead to the disclosure of the complainant's identity. These may, depending on the circumstances, include the complainant's gender, position in the organisation or work area.

10. Register of allegations

- 10.1 The council's Monitoring Officer has overall responsibility for the maintenance and operation of this policy. The council's Monitoring Officer will maintain a Register of Allegations made under this policy and the outcomes and will report as necessary to the council's Standards Committee. The recording and reporting procedure will be in a form that ensures confidentiality.

Committee:	Standards Committee			
Date of Meeting:	10 June 2021			
Subject:	Standards Committee Work Programme 2021			
Report Author:	Head of Legal & Interim Monitoring Officer			
Contact Officer:	Raj Popat			
Implications:	Legal	<input type="checkbox"/>	Community Safety	<input type="checkbox"/>
	Equalities	<input type="checkbox"/>	Environment	<input type="checkbox"/>
	Financial	<input type="checkbox"/>	Consultations	<input type="checkbox"/>
	Staffing	<input type="checkbox"/>	Other	<input type="checkbox"/>
Wards Affected:	All			

Purpose

1. The purpose of this report is to update the Committee of the details of the latest version of its Work Programme and to revise it as necessary in light of the progress made on the work of the Committee.

Recommendation(s)

2. **The Committee is requested to determine its future Work Programme.**
3. **The Committee is recommended to note the content of the Work Programme.**

Background

4. The Committee will regularly consider its Work Programme and update it to take account of the decisions made by the Committee and other changes made in light of developing work on topics and other matters.
5. The Committee's Work Programme will be included in the Agenda for each meeting to ensure that members of the Committee are aware of forthcoming items and of progress made on the work of the Committee.

Legal Implications

6. There are no legal implications to this report and this was agreed with the Head of Legal and Interim Monitoring Officer on 19 May 2021.

Appendix - Work programme – 2021

7. Appendix - Current version of the Committee's Work Programme.

List of Background Papers - Local Government Act 1972, Section 100D

There are no background papers to this report.

Appendix to Standards Committee Work Programme 2021

10 June 2021	
Standing Items:	
Complaints Against Members – Oral update	Monitoring Officer
Annual Chair's Report And Members Attendance – Written report	Chair/Monitoring Officer
Whistleblowing Annual Report	Monitoring Officer
Work programme update – Written report	Monitoring Officer

September 2021	
Standing Items:	
Complaints Against Members – Oral update	Head of Legal and Interim Monitoring Officer
Work programme update – Written report	Head of Legal and Interim Monitoring Officer

February 2022	
Standing Items:	
Complaints Against Members – oral update	Head of Legal and Interim Monitoring Officer
Update on LGA Model Code of Conduct	Head of Legal and Interim Monitoring Officer
Work programme update – Written report	Head of Legal and Interim Monitoring Officer