



## **STANDARDS COMMITTEE**

### **MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, TREDOMEN PARK ON MONDAY 15TH FEBRUARY 2016 AT 1.30PM**

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#### **PRESENT:**

Mr V. Brickley - Vice Chair (Presiding)

Mrs M. Evans, D. Lewis, M. Stone, Councillors Mrs P. Cook and Mrs M.E. Sargent

#### **Together with:**

G. Williams (Interim Head of Legal Services and Monitoring Officer), L. Lane (Corporate Solicitor), H. Morgan (Senior Committee Services Officer)

#### **1. APOLOGIES**

Apologies for absence were received from Mrs D. Holdroyd and Community Councillor Mrs G. Davies.

#### **2. DECLARATIONS OF INTEREST**

There were no declarations of interest received at the commencement or during the course of the meeting.

#### **3. MR MALDWYN STONE**

Members welcomed Mr Maldwyn Stone to his first meeting of the Standards Committee.

#### **4. MINUTES - 4TH NOVEMBER 2015**

RESOLVED that the minutes of the meeting held on 4th November 2015 (minute nos. 1 - 6) be approved as a correct record.

#### **REPORTS OF OFFICERS**

Consideration was given to the following reports.

## **5. OVERVIEW OF WELSH GOVERNMENT CONSULTATION - CONDUCT OF LOCAL GOVERNMENT MEMBERS AND THE DRAFT LOCAL GOVERNMENT (WALES) BILL**

Mrs Williams (Interim Head of Legal Services and Monitoring Officer) provided an overview on the Welsh Government's "Local Government Act 2000 - Part III, Conduct of Local Government Members" consultation and the provisions of the draft Local Government (Wales) Bill in so far as they relate to the Standards Committee.

It was explained that Chapter 7 of the draft Bill gives Standards Committees new functions to handle complaints that Councillors have breached the duties imposed on them by Chapter 2 (sections 82 to 86). These include a duty to attend meetings, to hold surgeries, to answer correspondence within 14 days of receipt, to undertake training and to make annual reports. Also to monitor compliance of Leaders of political groups with the duty imposed on them by Chapter 4.

Given the enhanced role of the Standards Committee, Welsh Government believe there is merit in the Authority being provided with an overview of the work of the Standards Committee during the year, in all its functions, to gain a better understanding of trends in standards of conduct within the Authority. In Chapter 7, therefore, a duty is placed on Standards Committees to publish an annual report and, if appropriate, make recommendations to the Authority.

Reference was made to the paragraph that relates to constituency interests and to proposals to omit paragraph 10(2) (b) from the Model Code. This provides that a Member has a personal interest in a matter if a member of the public might reasonably perceive a conflict between their role in taking a decision on that matter on behalf of the Authority as a whole and their role in representing the interests of constituents in their ward or electoral division, as appropriate. Notwithstanding the omission of this paragraph Members will be required to keep an open mind until they are in full possession of all relevant facts and to act objectively and in the public interest in accordance with paragraph 8 of the model Code.

It was noted that the draft Order makes provision for a Standards Committee to refer an application for dispensation to another Authority's Standards Committee for consideration. By way of example, Mrs Williams advised that this may arise where the Standards Committee considers it may have a conflict of interest in dealing with that application or where it is impractical for the members home Standards Committee to meet at short notice. There is also an opportunity for one or more Local Authority to establish a Joint Standards Committee. A query was raised as to how this will be achieved and it was suggested that it should be reviewed following the publication of the formal legislation.

Mrs Williams then made specific reference to the term of office of a Member of the Standards Committee (currently limited to four years with a Member being able to serve two such terms) and it was explained that postponing the next ordinary elections until 2017 had resulted in appointments being made to cover one year only - to cover May 2016 to May 2017. It is proposed that local authority and community council members in place when the Regulations come into force may continue to serve until the next ordinary elections in 2017. Further amendments are made to remove the four year restriction on a members term of office. In future, the term of office of local authority and community council members are to be such as the authority determines up to the period ending with the next ordinary elections following the members appointment.

It was moved and seconded that the report be noted. By shown of hands this was unanimously agreed.

## 7. WHISTLE BLOWING POLICY - PRESENTATION

With the aid of a slide presentation, Mrs Williams advised that a Whistle Blowing Policy has been in place since 2001. A Whistleblowing Commission was set up in 2013, by the leading whistleblowing charity - Public Concern at Work and its remit was to review the effectiveness of whistleblowing in UK workplaces to make recommendations for change. In November 2013, they published their findings and draft code and Caerphilly worked with Public Concern at Work to develop a new policy to reflect guidance and best practice, which was subsequently adopted in 2014.

Mrs Williams advised that whistleblowing is 'making a disclosure in the public interest' and the Policy is intended to encourage and enable employees to raise concerns with Council without fear of victimisation, subsequent discrimination or embarrassment. It was confirmed that the Policy applies to all Council employees including agency workers, volunteers or contractors working on Council premises.

It encourages people to raise a concern if something is not right, and then the Council must listen and act when they do. An overview was given on the type of complaints that count and do not count as whistleblowing and examples were given. It was confirmed that the person making the disclosure must have a genuine belief that making the disclosure is in the public interest and the motive of the person making the disclosure will be considered. An assurance protects the anonymity of the person assuming that the concerns raised are genuine and are not malicious. If, following investigation the whistleblower is not satisfied with the course of action, they can refer the matter to the Wales Audit Office.

By way of clarification, it was noted that if genuine concerns are raised then a person is not at risk of losing his or her job or suffering detrimental treatment. However, if an allegation is made maliciously or for personal gain, then disciplinary action may be taken.

A query was raised as to other policies in place in the event that the employee should not wish to use this avenue of complaint. It was noted that if the complaint is in relation to their employment, or how they have been treated, the grievance procedure can be pursued. A copy of this and other policies can be found on the HR Portal. Employees who are dismissed are able to take their case to the Employment Tribunal.

As part of the whistleblowing process, concerns should be raised with the Section 151 Officer, Monitoring Officer or Head of Human Resources and Organisational Development or staff can report to Public Concern at Work or their respective Trade Unions. The Policy sets out how the matter will be dealt with and in the first instance, consideration will be given as to whether the disclosure is in respect of a matter of public interest and whether making disclosure was in the public interest. If the allegation is found to be a 'whistleblowing' a formal investigation will be undertaken. Examples of when it may not be in the public interest to make an internal disclosure were given (repeated disclosures, cutting across reporting lines, motive, conveying facts as opposed to making allegations), albeit that several pieces of information can be considered together, and the latter considered a protected disclosure.

The policy is on the HR Portal and, as part of the Communication and Awareness Training Programme, has been communicated to employees. In that the policy is intended to encourage and enable employees to raise concerns about malpractice, and provides an avenue to receive feedback on any action taken, it was noted that there is also a facility provided for employees to access the confidential support helpline provided by Public Concern at Work. This will enable them to make contact in a confidential manner, should they wish to seek independent advice prior to bringing the matter forward.

Reference was made to the way in which whistleblowing is monitored and it was noted that in accordance with terms of reference, it is the Standards Committee that oversee the whistleblowing regime and, as such, reports protecting the identity of the person, will be presented as required.

By way of facts and figures, across England and Wales it was reported that Nationwide the top issues raised were financial malpractice (18%), ethical concerns have risen by 50% (meaning abuse of position, nepotism or cronyism), 22% of calls were from education sector (exam malpractice etc.) and 1876 people contacted Public Concern at Work for advice.

Members thanked the Interim Monitoring Officer for her informative presentation and for responding to the queries that were raised during the course of the debate.

## **8. ANNUAL WHISTLEBLOWING REPORT**

Consideration was given to the report which provided a review of whistleblowing activity and the development of the Council's approach to whistleblowing during the period 1st January 2014 to 31st December 2015.

Member were reminded of the way in which whistleblowing is monitored and it was confirmed that in accordance with terms of reference, it is the Standards Committee that oversee the whistleblowing regime and, as such, reports protecting the identity of the person, will be presented as required. The report provided an anonymous summary of a formal whistleblowing investigation undertaken during the course of the last year. The Investigating Officer had concluded that no disciplinary action was required in relation to any of the allegations made.

A query was raised in relation to the timescale for response and it was noted that such is set out in the Policy but it must be acknowledged within ten days. The time an investigation takes will depend on the complaint received and the complainant must be kept up to date. Given the role of the Standards Committee to oversee the Whistleblowing Regime, annual reports will continue to be presented containing information in relation to the numbers of whistleblowing reports issued.

Reference was made to corporate complaints policy and as to whether, in view of proposed changes to support the operation of local complaints protocols used for resolving low level member on member complaints, this would have an impact on the role of the Standards Committee. This be considered as the need arise.

It was moved and seconded that the report be noted. By shown of hands this was unanimously agreed.

The meeting closed at 2.15pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the next meeting they were signed by the Chair.

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CHAIR