

**7 NOVEMBER 2006**

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<b>MINUTES – 18 JULY 2006</b>	<b>1 – 4</b>
<p>To confirm and sign the Minutes of the meeting held on 18 July 2006 as an accurate record.</p>	
<b>APOLOGIES FOR ABSENCE</b>	
<b>DECLARATION OF INTERESTS</b>	
<p>If a Councillor has any personal or prejudicial interests in a particular report, they should declare the interest.</p>	
<p>A Councillor should not take part in the discussion or vote on any matter in which they have a prejudicial interest. They should withdraw from the meeting while the matter is under discussion unless the disability to discuss the matter has been removed by the Standards Committee.</p>	
<b>“BRIDGING THE GAP” – 5<sup>TH</sup> ANNUAL ASSEMBLY OF STANDARDS COMMITTEES</b>	
<p>The Chairman (Mr.Christopher Troke) to report back on the 5<sup>th</sup> Annual Assembly of Standards Committees held on 16<sup>th</sup> &amp; 17<sup>th</sup> October 2006 at the ICC, Birmingham.</p>	<b>Oral</b>
<p>The Committee to note the Conference speech of Patricia Hughes, Deputy Chair, The Standards Board for England, outlining the way forward for Standards Committees.</p>	<b>5 - 11</b>
<p>The Committee to note the Standards Board advice note on holding effective local hearings – the main theme of this year’s Conference.</p>	<b>12 - 17</b>
<b>COUNCIL’S WHISTLE-BLOWING PROCEDURE – UPDATE</b>	<b>18 – 29</b>
<p>ACE (OD) to update the Committee on the Council’s whistle-blowing procedure and anti-fraud initiative.</p>	

**STANDARDS COMMITTEE WORK PROGRAMME**

**30 – 31**

The Committee to note & update its proposed work programme.

**ANY OTHER BUSINESS**

jpc/23/10/06



# STANDARDS COMMITTEE

## —Minutes—

**18 JULY 2006**

Members Present:

Mr.Christopher Troke (Chairman)  
Mr.Steven Moussavi  
Mrs Grace Moody-Stuart  
Councillor Nicholas Botterill  
Councillor Lisa Homan

Officers in attendance:

Lesley Courcouf, ACE (OD) & Monitoring Officer  
Michael Cogher, Head of Legal Services  
John Cheong, Committee Team Manager

**ITEM**

**ACTION**

The Chairman, Mr.Christopher Troke, welcomed to the Committee new members Councillor Lisa Homan and (in absentia) Councillor Donald Johnson.

The Chairman moved, seconded by Councillor Botterill, a Vote of Thanks to the outgoing Chairman, Mr.Moussavi, for his work as Chairman of the Committee during the past Municipal Year.

**RESOLVED** - Accordingly.

Item 1 **MINUTES OF THE MEETING OF THE STANDARDS  
COMMITTEE HELD ON 31 JANUARY 2006**

**RESOLVED** - That the minutes of the meeting held on 31 January 2006 be agreed and signed as an accurate record.

**ACE(PP)/JPC to  
note**

Item 2 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Donald Johnson.

Item 3 DECLARATIONS OF INTEREST

There were no declarations of interest made by members of the Committee at this meeting.

Item 4 COMMITTEE CONSTITUTION & TERMS OF REFERENCE

Members noted the Committee's revised Constitution and Terms of Reference, as agreed by the Annual Council meeting on 24 May.

**RESOLVED:**

That the Committee's revised Constitution and Terms of Reference be noted.

Item 5 APPOINTMENT OF INDEPENDENT MEMBERS

Noted the report by the Head of Legal Services on the appointment of independent members to the Committee and the fact that the legislation specified no fixed term of office for these appointments.

Noted that up to now, it had been the practice of the Council to automatically re-appoint existing independent members (providing they continued to be willing to serve) at each Annual Council meeting in order to preserve continuity, experience and knowledge of the Council's ethical governance framework.

Members of the Committee concurred with this as a sensible and pragmatic approach, given the need to understand the Council's ethical governance framework and changes in legislation.

**RESOLVED:**

1. That the appointment process for the independent members of the Standard Committee be noted.
2. That the Committee reviews the process on an annual basis

**ACE (PP)/JPC  
to note**

Item 6. STANDARDS COMMITTEE FORWARD WORK PROGRAMME

Noted that the report had originally been due to be reported to the Committee's April meeting, unfortunately cancelled due to

the Local Government Elections on 4 May.

Members noted the report and the proposed work programme. The independent members of the Committee and Councillor Homan, as a newly returning Councillor, gave feedback on the members' induction programme, which they felt had been useful and pitched at about the right level.

The Monitoring Officer, Lesley Courcouf, suggested that it might be appropriate for members new to the Standards Committee to receive specific individual training on current issues affecting the Committee, the role of STC members, legislation, etc.

Mr.Troke commented that the Standards Board for England website was a useful first port of call for new members and gave full details of relevant current issues, together with SBfE advice and guidance for members as well as their publications .

He reported that he had recently been in touch with the Standards Board who had advised that in future, its role would be reserved for setting policy and dealing with the more serious cases, with all lesser cases being referred to local Standards Committees to deal with direct. This would be further elaborated on at the Annual Standards Committees Conference in Birmingham in October, with national implementation in May 2007.

Mrs.Moody-Stuart and Councillor Homan asked whether any comparative study had been made of other Councils' forward work programmes. The Monitoring Officer, Lesley Courcouf, responded that in preparing the report, other Council's Standards Committees work programmes had been looked at, but were largely similar to LBHF, in being mostly driven by changes in legislation. As such, they were mostly reactive rather than pro-active. She undertook however to bring to the next meeting (October) a report updating members on use of the council's whistle-blowing procedures.

**ACE (OD)/LC to  
note for action  
October.**

The Chairman, Mr.Troke undertook to contact one or two other authorities to establish how they were managing things, and also undertook to establish contact with Mr.Bruce Claxton, who was in the process of establishing an association of independent members of Standards Committee.

**Mr.Troke to note  
for action.**

**RESOLVED:**

That the Standards Committee proposed work programme be noted, for review as necessary at the next meeting.

Item 7 “BRIDGING THE GAP” – 5<sup>TH</sup> ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee noted that the 5<sup>th</sup> Annual Standards Committees’ Conference would take place in Birmingham ICC on 16 & 17 October.

**RESOLVED:**

That Mr.Troke and one other member (either Cllr.Donald Johnson or Mr.Moussavi or Lesley Courcouf - depending on diary commitments) be delegated to attend.

**ACE(PP)/JPC  
to arrange**

Item 8 ITEMS FOR INFORMATION

Members noted the local investigation and determination procedures, ready in the event that cases were referred down to the Committee by the Standards Board for England.

Meeting began : 7:00 pm

Meeting ended : 7:41 pm

CHAIR.....

## **Fifth Annual Assembly of Standards Committees 16-17 October 2006, ICC, Birmingham**

### **Bridging the gap: towards strategic regulation Patricia Hughes, Deputy Chair The Standards Board for England**

Welcome to our Fifth Annual Assembly of Standards Committees. First, may I thank you for your continuing support for these events. They give us a valued opportunity to share views, which in turn helps us to make changes and provide you with better help. We did say at the very beginning that we would try not to be an ivory tower regulator and this assembly is an important way in which we keep that promise.

As I'm sure you are all aware, the Standards Board is now in exciting times as we seek to rise to the challenges the minister has set out for us. But before I talk to you about the changes, what they will mean to both the Standards Board and local authorities, and how we shall set about bridging the gap, I would like to bring you up-to-date on our work since we last met.

Bridging the  gap

#### **Standards Board case handling**

In 2005/06:

- 3,836 complaints received
- 687 complaints referred for investigation
- 57 standards committee hearings
- 77 cases were presented by the Standards Board to the Adjudication Panel for a hearing

68% of cases are now dealt with at a local level

One thing which has not changed since we started operating in 2001 has been the volume of complaints, which remains remarkably stable from year to year. I guess that the reasons for that pattern are open to interpretation: my view is that it demonstrates a continuing need for people – mainly members of the public and councillors – to have somewhere to turn when they perceive a failing of some kind. And where, if the complaint is relevant and serious, there is the opportunity for redress.

In the 2005/06 financial year we handled over 3,800 allegations. Of these we referred 687 for investigation – that is 22% of those we received. This, I think, shows that our threshold for referring cases is high – and, in fact, we raised it still higher in 2005/06. It does mean that we do in effect reject 'trivia' – quite rightly – but we also lay ourselves open to much criticism from disappointed complainants. But then, nobody ever became a regulator to be loved.

Our policy is that allegations referred for investigation should be handled locally unless there is a particular reason why not – for example seriousness of the allegation, or local conflicts of interest. 68% of allegations referred for investigation are now dealt with at a local level.

It is also worth noting that 57 standards committee hearings were held in 2005/06. The range of standards committee sanctions went from suspension for three months in 19 cases, through to censure in 18 instances, and in the current year we have seen greater use of other sanctions such as imposition of additional training. All of this strikes me as a healthy indicator of local decision-making at work.

During the year, 77 cases were presented by the Standards Board to the Adjudication Panel for England and a finding secured in 69 of those cases. Sanctions were imposed on 64 members. This is, of course, only a tiny proportion of those complaints received – and that is exactly what we would expect and how it should be. But in those very few cases the complaints were about serious matters that were doing much harm to individuals affected, to local communities, and to the reputation of local government, so these outcomes are significant.

While I'm on statistics, I should say that ethical standards officers who, as I've already said, now deal only with the most complex and serious cases, now meet – or exceed – their target of completing 90% of cases in six months. Decisions on whether or not to refer an allegation for investigation now routinely better the target of ten days, averaging eight working days.

So that is a measure of the nature of the workload and we see no reason why it should change. That perhaps is an important context for our discussions over the next few days about how you will handle the system when it becomes locally based.

Bridging the  gap

## **Local investigations and hearings**

- Overall going well
- Some difficulties
- More guidance and support planned

And what has been our experience of locally handled cases so far? Well our view is that most of the cases we have seen handled locally have been done smoothly, efficiently and with common sense outcomes. We would of course find your views on this particularly valuable.



However, a few cases have had their problems and I'm sure you'll hear more about those in the next few days. This is of course inevitable under any new system, as we ourselves well know.

Some of those problems relate to delay in dealing with the case. There have been some concerns about the level of member cooperation. This seems to have been particularly so where cases have been delegated below monitoring officer level, which may need some consideration in our discussions. And I know that the president of the Adjudication Panel for England has expressed some concerns about procedures in some cases he has seen on appeal. The Adjudication Panel comment was that "the standards committees were having difficulties in getting to grips with procedure issues and with how to produce a reasoned decision. 38% of appeals cite procedural irregularities as grounds of appeal".

But these are the types of teething problems you might expect, and from which we will all learn during the conference, and in advice and guidance afterwards. I guess that issues of more pressing concern are the additional implications of local referral and in particular the volume of allegations that will be received. The evidence we've collected over the years on that is interesting.

Bridging the  gap

### **Local allegations in 2005**

- District councils averaged five allegations each
- County, unitary and metropolitan borough councils averaged six allegations each
- 15% of district councils had no allegations
- 34% of county, unitary and metropolitan borough councils had no allegations
- 551 parish and town councils averaged three allegations each

For example, it shows that in 2005, district councils were the subject of an average of five allegations each, although 15% of you didn't have any complaints.

For counties and unitaries, the average was nearer six allegations, although a third of you again didn't receive any.

And an average figure is of course misleading – we all know there is no such thing as 'an average authority' and I'm afraid the figures are skewed by a small handful of authorities subject to a rather larger number of complaints than the average.

Finally, of the eight and a half thousand parishes, we have received no complaints in respect of seven thousand during the whole of the period that the Code has been in force. Of the 1,500 about which we have received complaints, there are only a few which have generated large volumes of complaints. Indeed, during 2005, there were complaints about only 551 parishes with an average of around three per parish complained about.

Of course that may be scant consolation for those of you with a large number of parishes, but again our evidence shows that it is only when you are getting above 40 parishes that the average number of cases starts to rise. Below that number you may have an additional ten cases a year to deal with on top of your own. Above that number it starts to get nearer 20 additional cases. And please bear in mind that we are simply talking about allegations here – of which around three quarters are currently not referred for investigation by our Referrals Unit – not the numbers of investigations.

As to how to deal with large volumes of complaints, more later. Overall, however, we believe the situation looks more manageable for most authorities than it at first seemed. However for those of you with a large number of parishes and also for those very few of you where your own council will give rise to scores of complaints, there will be resource implications which we all need to address.

Bridging the  gap

### **Challenges ahead**

- Local filter – making it work
- Balance between local discretion and consistency
- Revised Code of Conduct

So how do we use the time between the current system and one which is locally based – where referrals are made locally and most cases are investigated and decided upon locally? We are hopeful that legislation providing for the local filter will be in place by summer 2007 and the system in operation by 2008.

Well, at the Standards Board we are already adjusting the focus of our work away from the volume of cases we investigate and towards the provision of a stronger framework of support. An example is the training DVD – *Going Local - investigations and hearings* – which was released in January 2006 (and which, if you don't mind us blowing our own trumpet, I should say won a prestigious international award for training materials!). I understand that copies have been made available to all local authorities.

We have strengthened our support and guidance functions to help you with the transition to the new system and more immediately with the implementation of the revised Code. We will continue to monitor the national picture to help us assess the impact of the system on standards and, we hope, to identify good practice. We are ensuring that we are best placed to help the small number of councils which have real local difficulties. Again, we look forward to hearing from you about how you see our role in that.

Looking further forward, we are working closely with the minister's department to make sure the system is designed as effectively and flexibly as possible. This of course raises a number of issues for us as the Standards Board and for you. The first is the issue of striking an appropriate balance between the importance of the exercise of local discretion in decision-making on the local filter on the one hand, and the need for a degree of consistency and fairness on the other, so that there is not substantially unequal treatment of members from one authority to another.

We do believe that local discretion should be paramount, but we also think that the two principles can be reconciled to some extent by means of the guidance which we will issue. We will give guidance on matters such as thresholds for referral, which will be based on the experience we have gained from the thousands of complaints made to us over the years. To illustrate: we apply a higher threshold to complaints of rudeness by a member to another member, than to a member of the public, and we may well consider advising a similar approach in local referral. Your view on this approach will be welcomed since this may well be a crucial issue.

We have concluded over time that there are certain categories of complaint where some form of action other than investigation would be warranted. An example is where a very large number of complaints about one council suggest that there is something fundamentally amiss about the way it works rather than about the conduct of a number of individual councillors. In such cases, ethical standards officers have chosen to issue directions to the monitoring officer, about which incidentally you can read in the latest edition of our *Case Review* – which I promise makes engrossing reading. We think that the same discretion should be available locally and we are asking the minister to include that flexibility in the legislation.

We are also concerned about potential conflicts of interest that may arise when the system operates under the new local framework. For example, will a conflict arise if those taking the decision to refer a case, later hear the case? We believe that this can be avoided if the decisions on referrals and investigations are taken by small sub-committees, rather than the whole standards committee. We are also pressing the minister to ensure that the framework allows for joint working between standards committees and other options such as county-wide panels to deal with parish matters. What do you think?

Finally, as I have said, we are concerned about the resource implications for some districts if they are asked to filter parish cases, particularly if there is no joint working. Whilst we are fully convinced of the need for parishes to be within the system of regulation, our statistics do show that local filtering may place some strain on smaller districts with a large number of parishes. The strain of actually handling such cases currently referred by the Standards Board is already apparent among a handful of districts – and a similar strain is possible when future local referrals come in to force. Bear in mind that our research shows that this will be a problem only for a few authorities, but we do recognise that it could nevertheless be a considerable task for some of you. Again, possible solutions will be looked at over the next few days and your contribution will be essential.

Turning now to the other big gap we will all be bridging – the move from the current to the revised Code of Conduct. We are grateful to have heard from the minister that the Department for Communities and Local Government will now be consulting on the proposed revisions and I urge you all to consider it carefully with your colleagues. The proposed changes are far reaching and this is a unique opportunity for us all to get it right.

We expect the new Code to be in place in time for the start of the new municipal year in May and that raises some important issues for us all in the room. We all know the present code needs changing and we therefore think it is important to have the new Code adopted by authorities as early as possible. That means working towards having it adopted at your May council meetings (and urging the same on your parishes).

In order for that to happen you all need to work between now and then to look at the proposed version, make sure you understand it and work to get your members understanding it and ready to sign up. We realise this means a lot of work between now and then but we think it would cause problems if some authorities have signed up and some haven't – particularly for members on more than one authority who may end up having different rules applying on any given day during the 6-month adoption window.

Again, we would be grateful to hear from you in the next few days what practical problems this could pose, how you think they could be overcome and what support and advice you will need from us to smooth the transition between codes.

Last year, we reported back on the consultation we had run and I'm delighted the minister took all the points on board. Our starting aim was to be a light touch and liberalising wherever possible – and we believe that the draft fulfils that aim. You will hear more about the proposals over the next few days so I won't go into detail here.

However, there is one issue I want to raise now, namely the proposed changes to the rules in respect of declarations of interest. The issue of interests has caused the greatest concern and has undoubtedly proved far from easy to advise on, either for the Standards Board or for monitoring officers. We hope that the proposed changes go a long way to overcoming the difficulties. However I want to say at this point, even before the changes are made, that the purpose behind the current Code was to reinforce the presumption in favour of councillors, as democratically elected representatives, being able to talk about and vote on an issue unless there is a paramount public interest against it – in effect that they are patently operating in their own interest rather than the public good.

You will have seen the newspaper headlines about councillors being gagged – not being able to talk about phone masts because they own a mobile and so forth. A lot of this is of course nonsense but I'm afraid some of it does arise from some overly cautious monitoring officer advice which is clearly at odds with the purpose of the Code and tends to bring the whole framework into disrepute, and which in turn does local government a disservice. Maybe this will be an issue you will want to consider further in the context of our discussion on Code revision.

## **The Standards Board for England**

- Increasingly strategic
- Investigating the vital few
- Ensuring public confidence in the system

So those are some of the challenges you will face over the coming year. What of the Standards Board in all this? Well, I leave you with how we see our role in the future.

As we move away from investigating a high volume of cases, we can become increasingly strategic in outlook, making sure the system is running well, issuing formal and informal guidance, and giving individual advice and support. We will retain a small team to deal with those cases which, for whatever reason, cannot be handled locally.

Then there is a gap of another kind which we will be seeking to bridge by next year which is the move of the organisation to Manchester. We've already got a bridgehead in place and we're looking forward to the move being complete by next summer.

And finally, we will continue to promote the importance of high standards of conduct in local government and to assist those who also work to promote them. That is why we place so much importance on events such as this where you play a large role in setting the agenda and we try as hard as we can to meet your needs.

So I hope very much you find the rest of the conference stimulating and enjoyable.

## Holding an effective hearing

### The legal framework

#### Legislative framework

Primary Legislation – *Local Government Act 2000 (Part III)*

Please note that two new sections (sections 54A and 82A) were introduced by the *Local Government Act 2003*. Both of these sections have significant implications for standards committee hearings.

- Section 54A gives standards committees powers to appoint sub-committees to discharge their functions (including the function of conducting hearings).
- Section 82A gives monitoring officers power to nominate another person to carry out their functions. For example, they could appoint another person to advise the standards committee if there is a conflict of interest preventing them from doing so.

The primary legislation provides a broad framework. The specific details for conducting standards committee hearings are to be found in secondary legislation: *Local Authorities (Code of Conduct) (Local Determination) Regulations 2003* (SI 2003/1483) and the *Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004* (SI 2004/2617).

Although the 2004 regulations were mainly concerned with making provision for local investigations, they also introduced significant changes to the rules for local hearings. The range of sanctions was extended and the powers to request further investigation or referral back to the ethical standards officer were introduced for the first time. References in this document to the local determination regulations are to the 2003 regulations as amended in 2004.

The *Relevant Authorities (Standards Committee) Regulations 2001* (SI 2001/2812) contain provisions that apply to all standards committee meetings, including local hearings.

The Standards Board for England's guidance on standards committee determinations was issued in July 2003. It provides guidance on how to conduct the whole process from receipt of the ethical standards officer's report onwards. It also provides a model procedure for the conduct of standards committee hearings. This guidance is available on the Standards Board for England's website at [www.standardsboard.co.uk](http://www.standardsboard.co.uk)

*Please note: the guidance needs to be read alongside the 2004 regulations. As explained above, these regulations introduced some significant changes to the rules.*

#### Common law principles

Like all public bodies, each standards committee has an obligation to ensure that its proceedings are procedurally fair. Each member has an important role to play in achieving this.

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The two basic principles contained within the concept of 'procedural fairness' at common law are the right to a fair hearing and the absence of bias. You may have heard these referred to as the 'rights of natural justice'. These common law obligations run in parallel with the statutory requirements: the member's right to present evidence and make representations at the hearing go some way to ensuring a 'fair hearing'. Similarly, the important fact that all members of the standards committee (including independent members) are themselves subject to the Code of Conduct and, in particular, the rules about personal and prejudicial interests, will help to avoid any bias.

Members should note that it is not only the Code of Conduct that may prevent them from participating in a particular hearing. There may be other grounds on which there is a conflict of interest or a real possibility of bias, both of which would mean that the member would have to withdraw from participation. Members should take advice from their monitoring officer (or appointed legal adviser) at an early stage if they have any concerns about participation.

The standards committee must do everything it reasonably can to ensure that the subject member receives a fair hearing. This means that where members are taking procedural decisions, these must be taken in the light of that over-arching obligation. This could be relevant before a hearing, as well as at a hearing. Examples of procedural decisions include a request by the subject member to call various witnesses to give evidence, or a request to introduce additional evidence at a late stage.

### **Time limits**

Members should be aware of the three-month time limit for holding hearings. Regulation 6(2)(b) of the local determination regulations requires standards committees to hold any hearing within three months of the date on which the ethical standards officer's report is received. For local investigations, where the investigator considers that there is a breach or the standards committee decides that there is a case to answer (although the investigator concluded no breach), the time limit is three months from the final report.

This is a challenging deadline for the monitoring officer to meet, and standards committee members should also bear it in mind when making procedural decisions in order to assist in meeting the deadline. The first step for the monitoring officer will be to send a copy of the report (including any exhibits) to the subject member. A provisional date for the hearing should be set as soon as possible, in consultation with the subject member and relevant members of the standards committee.

The importance of adhering to the three-month time limit was highlighted in the case of *R (on the application of Dawkins) v Standards Committee of Bolsover District Council* [2004] EWHC 2998. In that case, the judge held that unforeseeable circumstances, such as the sudden illness of the subject member, might prevent the three-month deadline being met. However, the standards committee had to make "a genuine and determined effort" to meet the deadline. The judge in that case observed:

*"The deadline is not simply a target which the standards committee should try to get as close to as is reasonable. The test is not whether one can sympathise with hindsight, nor is it whether it is understandable, to an extent, that the deadline was not treated with the importance which the statute gives it. The test is whether there was substantial compliance with it."*

In the absence of a genuine and determined effort to meet the deadline, a standards committee determination made after the deadline had expired would be unlawful. That was the outcome in the *Dawkins* case.

### **The hearing – who must be present?**

There must be three members for a standards committee or sub-committee to be quorate, at least one of whom must be an independent member. An exception applies where an independent member is prevented from participating because of a prejudicial interest. Having said this, the Standards Board for England's view is that it would be most unwise to rely on this exception in relation to a standards committee hearing. Regulation 6 of the standards committee regulations 2001 sets this quorum.

Where a hearing concerns a member of a parish council, section 55(6) of the *Local Government Act 2000* requires that a parish council member must be present at any meeting of the standards committee. Although section 55(7) of that Act is not drafted in identical terms, it is clearly best practice for a parish council member to be present at any meeting of a sub-committee dealing with parish council members.

### **Standards Board for England guidance**

Regulation 6(2)(a) of the local determinations regulations requires standards committees to “have regard” to guidance issued by the Standards Board for England. As previously mentioned, this guidance is available on the Standards Board for England's website. Standards committee members should be aware of this guidance. If the committee choose not to follow it, they should have good reasons for departing from it so that they can justify their decision if there is a subsequent challenge. The guidance includes:

- how a pre-hearing process can be designed to identify any disputed facts
- the recommendation that matters should be heard by a panel of three or five members
- the suggestion that one of the independent members should chair the hearing

### **Rights of the member**

The regulations require the subject member to be “given an opportunity to present evidence in support of his case” and to be “given the opportunity to make representations at the hearing”. These are very important rights that help to ensure that the member is given a fair hearing. It is essential that the member be given an opportunity to put his case and to present evidence that is relevant to the matters before the standards committee. Please refer to regulations 6(2)(d) and (e) of the local determination regulations.

One of the aims of the pre-hearing process is to prevent the standards committee being taken by surprise by unexpected disputes of fact on the day of the hearing. Paragraph 15 of the model hearing procedures set out in the Standards Board for England's *Standards committee determinations* guidance suggests how such disputes should be dealt with if they arise on the day of the hearing. The committee can refuse to allow the member to raise the matter. This may be the appropriate course where the committee is not satisfied with the reasons

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given by the member for failing to raise the issue before the hearing, and further considers that it would not be possible to deal with the matter without an adjournment. However, in an appropriate case, the committee can adjourn the proceedings to allow further evidence to be obtained.

### **Findings of the committee**

The committee must come to clear conclusions as to:

- a) the disputed facts
- b) whether there has been any breach of the Code of Conduct, and if so
- c) whether any sanction should be imposed

The Standards Board for England's model procedure suggests that the committee should withdraw to consider their conclusions separately in relation to each of these three issues.

It has been suggested that this is an overly cumbersome approach and that disputed facts and breach of the Code of Conduct could properly be dealt with together. We disagree. We believe it is helpful, especially where the facts are complicated, for standards committees to distinguish between determining any facts in dispute and the question of whether or not there has been a breach of the Code of Conduct. In our view, the three-stage process helps committees to do this.

### **Sanction**

This stage is only reached if the committee finds that there has been a failure to comply with the Code of Conduct. The committee needs to consider the full range of sanctions available, tailoring any sanction to the facts of the case before them. They must remember that there is no obligation to impose any sanction at all.

The committee should consider any aggravating and mitigating factors that apply. If the member is present, they can set out mitigating factors even if they have not previously identified these. Guidance as to identifying mitigating/aggravating factors is set out on pages 10 and 11 of the *Standards committee determinations* guidance.

Examples of factors that might be relevant include the member's knowledge of the Code of Conduct at the time of the incident, the consequences of the misconduct, whether the member accepts that they have breached the Code of Conduct, whether an apology has been offered, and whether there is likely to be any repeat of the misconduct. Bullying of officers or trying to gain an improper advantage are identified in the guidance as particularly serious breaches.

As already noted, the range of sanctions available was extended in 2004 (note that the list on pages 9 and 10 of the *Standards committee determinations* guidance is not up to date). It is also important to remember that the standards committee can combine sanctions. So a member can be required to apologise and undertake training, or be suspended and be required to undertake conciliation.

## **Giving reasons**

Regulation 8 of the local determinations regulations requires the standards committee to give reasons for its decision. This is an important requirement and failure to give reasons could give grounds for appeal.

In *R v Brent London Borough Council, ex p Baruwa (1997) 29 HLR 915 at 929*, Lord Justice Schiemann observed:

*“It is trite law that where, as here, an authority is required to give reasons for its decision it is required to give reasons which are proper, adequate, and intelligible and enable the person affected to know why they have won or lost. That said, the law gives decision-makers a certain latitude in how they express themselves and will recognise that not all those taking decisions find it easy in the time available to express themselves with judicial exactitude.”*

The reasons should explain why the committee reached the conclusions it did. The reasons should deal with any representations made by the parties, particularly those made by the subject member. It would be most unwise for the committee to say simply that it accepted the reasoning in the ethical standards officer’s report without further elaboration or explanation. Reasons should cover each of the stages of the decision: facts, reasoning as to whether or not there has been a breach of the Code and, if there is a breach, decision on sanction.

## **Other outcomes**

The 2004 amendments to the local determination regulations gave standards committees two additional powers in relation to hearings. Regulation 6(9) allows the committee to adjourn the hearing and require the monitoring officer to seek further information or undertake further investigation. This is a valuable tool for standards committees who consider that, for whatever reason, they do not have sufficient information to deal with the matter fairly. However, the power needs to be used with caution since any adjournment will inevitably lead to delays in resolving the matter.

Regulation 6(10) of the local determination regulations gives standards committees the power to request a referral back to the ethical standards officer. It is expected that this power might be exercised if the standards committee considered that a matter merited more severe sanctions than those available to the committee. It is important to remember that the decision whether to accept such a request remains with the ethical standards officer. The committee cannot force the ethical standards officer to take a case back. As with the power to request further investigation, committees should treat requests for referral back with caution since they will inevitably lead to delays.

In the interests of fairness it is advised that, if the standards committee is minded to exercise one of these powers, they should give both the subject member and the ethical standards officer’s representative the opportunity to make representations before reaching any final decision.

continues overleaf

## Things to avoid

It is essential that the standards committee should not allow itself to be a mere 'rubber stamp' for the ethical standards officer's report. They should not uncritically accept the findings of fact or the reasoning put forward by the ethical standards officer or investigator. The committee must consider carefully any evidence or representations put forward by the subject member. This includes representations made during the investigation, representations made prior to the hearing, and representations made at the hearing. The committee's reasons should demonstrate that the member has been given a fair opportunity to put his or her case across.

However, this must be balanced against the need to prevent the standards committee's time being wasted on irrelevant matters or witnesses. Some members find it difficult to focus on the issues set out in the report and will be tempted to bring in a variety of matters that are only of tangential relevance to the hearing or sometimes of no relevance at all. A firm-but-fair approach is needed here. The committee's primary task is to decide whether or not the member breached the Code of Conduct. It is unlikely to be a good use of the committee's time to hear oral evidence that is either undisputed or not relevant to the alleged breach of the Code of Conduct.

Character evidence is likely to be relevant only to the third stage of the process, in relation to any appropriate sanction. Such evidence is usually undisputed and may be most conveniently dealt with on paper, through written testimonials.

It is important to remember that regulation 6(6) of the local determination regulations provides that the committee "may place a limit on the number of witnesses a member may call if it is of the view that the number the member proposes to call is unreasonable".

The *Standards committee determinations* guidance also includes the following crucial sentence (on page 8):

*"...the standards committee may choose not to hear from certain witnesses if it believes that they will simply be repeating evidence of earlier witnesses or if a witness will not be providing evidence that will assist the standards committee to reach its decision."*

The over-arching principle is that the standards committee has the right to govern its own procedures as long as it acts fairly. The standards committee (and, in particular, the chair) must strive to ensure that it does not lose control of the hearing.

## Further help

The Standards Board for England has published a DVD which includes advice on conducting a standards committee hearing. The DVD was distributed to all principal authorities at the beginning of 2006. The Standards Board website – [www.standardsboard.co.uk](http://www.standardsboard.co.uk) – contains the guidance as referred to above, as well as links to the regulations mentioned above.



# STANDARDS COMMITTEE

# 5

## 7 NOVEMBER 2006

**CORPORATE WHISTLEBLOWING REPORT  
2006**

**WARDS  
All**

### Synopsis

This report details the Council's policy and procedures with regard to the issue of whistleblowing, outlines the measures put in place since the adoption of the Council's Anti Fraud and Corruption Strategy, and reports on disclosures made to date.

Members are asked to note the report on Corporate Whistleblowing for 2006.

### **CONTRIBUTORS**

ACE  
CAFS

### **RECOMMENDATION:**

**That the Corporate Whistleblowing Report  
2006 be noted.**

## CORPORATE WHISTLEBLOWING REPORT 2006

### **1. Introduction**

- 1.1 Whistleblowing is an important tool in the Council's fight against fraud and corruption, and the Council recognises that robust procedures are required in order to ensure the effectiveness of the whistleblowing policy.
- 1.2 The Council's whistleblowing policy has been in effect since 1998 following the introduction of the Public Interest Disclosure Act which exists to protect a persons position and rights when choosing to disclose suspicions or occurrences of fraud and corruption.

### **2. Policy and Procedure**

- 2.1 The Council's whistleblowing policy is contained in the Council's personnel procedures. The policy forms part of the Anti Fraud and Corruption Strategy introduced in 2005 and is attached as **Appendix 1**. The policy is available on the Intranet.
- 2.2 A set of procedures was drafted to complement the policy and this was made effective as at 1<sup>st</sup> January 2006. The procedures are to be read in conjunction with the policy and form part of the Anti Fraud and Corruption Strategy.
- 2.3 The procedures apply to all employees, Managers, Directors, Members, contractors and temporary staff. These procedures continue to be communicated to all staff by means of cascaded training and publication on the Council's intranet and internet sites. All contractors are advised of their responsibilities and rights as part of the issued contract terms.
- 2.4 One of the issues surrounding whistleblowing is that of recognition. It is easy to dismiss a complaint or report and not categorise it as whistleblowing. The definition of whistleblowing is a complex matter. The problem with misidentifying an incidence of whistleblowing is that it can leave the Council open to later claims that the matter has not been handled correctly and hence there exists a risk of punitive damages being awarded.
- 2.5 Any report of a suspicion or an actual incidence of fraud or corruption involving an employee or Council member has the potential to be classified as whistleblowing. Consequently, the decision as to whether an incident should be classified as whistleblowing lies with the Corporate Fraud Manager or the Assistant Chief Executive's department which has responsibility for monitoring whistleblowing.

- 2.6 Council Members, Directors, Managers and employees have no remit to decide what constitutes whistleblowing and thus there is a requirement that all incidences of fraud, corruption or *suspected* fraud or corruption must be reported either directly to the Corporate Fraud Manager or the Assistant Chief Executive department. Where ACE are the initial recipient of a fraud report they undertake to advise the Corporate Anti Fraud Service immediately.
- 2.7 Employees and members of the Council must have confidence that if they make a report that it will be treated with the necessary degree of seriousness and propriety. Council Managers have a duty to recognise that any incidence, no matter how small it may at first appear, must be reported to the Corporate Anti Fraud Service or ACE. Failure to notify either the Corporate Anti Fraud Service or ACE of a reported or suspected incidence of fraud or corruption is therefore treated as a serious disciplinary matter.
- 2.8 At all times confidentiality must be ensured and the person making the disclosure rights must be protected as stipulated under the Public Interest Disclosure Act. Full details can be found within the Council's whistleblowing policy, but in essence, reporters of fraud are protected from harassment or discrimination as a result of their actions. Punitive measures can be taken against anyone discriminating against anyone who makes a disclosure.
- 2.9 Disclosures under whistleblowing will be automatically granted priority status and an immediate initial investigation will be undertaken to determine (a) whether the matter does indeed constitute whistleblowing and (b) whether there is a matter to be investigated.
- 2.10 Overall responsibility for the monitoring of whistleblowing issues lies with ACE. Overall responsibility for the investigation of fraud and corruption whistleblowing issues lies with the Corporate Anti Fraud Service.
- 2.11 All incidences of fraud, corruption or suspected fraud or corruption (that are classified as whistleblowing) are recorded both with the Corporate Anti Fraud Service and ACE. The Corporate Anti Fraud Service makes the initial assessment of whether a matter constitutes whistleblowing in consultation with ACE. If the matter is determined as a whistleblowing matter, ACE record and monitor the case.
- 2.12 All reported incidences of fraud, corruption or suspected fraud or corruption are logged as cases by the Corporate Anti Fraud Service as a matter of course, but cases that constitute whistleblowing are flagged as such.
- 2.13 The Corporate Anti Fraud Service report on the progress of whistleblowing investigations as part of the quarterly report to Audit Committee, *where operational reasons do not preclude doing so*.

- 2.14 Whistleblowing cases which result in either prosecution or disciplinary action will be publicised routinely as part of the Council's policy to publicise fraud which has been combated (in the case of disciplinary matters the identity of the perpetrator may or not be released depending on circumstances). At all times when whistleblowing cases are publicised either within the Council or externally, protection of the identity of the person making the disclosure is treated as paramount.
- 2.15 The Council takes all matters of actual or suspected fraud and corruption extremely seriously and will investigate fully all such reported incidences. The Council has a zero-tolerance policy and where fraud or corruption is proved the Corporate Anti Fraud Service will seek to prosecute to the fullest extent the law allows, as specified in the Anti Fraud and Corruption Strategy.
- 2.16 The Council recognises the importance of whistleblowing and has a policy of encouraging and fully supporting those who elect to report fraud or corruption, as part of their duty to protect the public purse and deliver a fair and honest service to residents of the borough.
- 2.17 The Council wishes to thank those who support our fight against fraud and corruption and give our every assurance that those who do so will be protected from harm or repercussion.

### **3. Current Cases**

- 3.1 At the current time, and since the introduction of the policy and issue of the procedures, there have only been two reported disclosures that qualify as whistleblowing.
- 3.2 One relates to HFHMS, for whom we provide a fraud investigation service, and thus the details fall outside of the scope of this report.
- 3.3 The second relates to a sensitive matter which has, since it's referral in June 2006, become a major investigation. It is not appropriate for details to be disclosed at this stage and it is anticipated that the investigation, by it's nature, will take several more months to conclude, not including any sanction action that may be subsequently appropriate.

## Appendix 1

### **Anti Fraud and Corruption Strategy Section II – Whistleblowing and Fraud Response Plan**

**(June 2005 )**

#### **1. Whistleblowing**

- 1.1 The following is taken from the LBHF Personnel Procedures document s.A9 “Confidential Reporting Code - The Councils’ Policy on Whistleblowing”, updated to allow for legislative and administrative changes since its publication in 2001.

##### **Introduction**

The Council has had in place since 1994 a code of conduct for all employees. This makes clear that employees should report any impropriety or breach of procedure that they encounter in working for the Council, but does not give a detailed framework for what is commonly termed “whistleblowing”, by employees.

The June 1998 White Paper on modernising Local Government accepted the recommendation of the Committee on Standards in Public Life that every local authority should institute a procedure for whistleblowing. This Council decided to adopt an existing LGA/LGMB model code pending any further legislation. It is described as a “confidential reporting code”.

The Council also agreed a whistleblowing procedure for Social Services staff. This deals with issues of particular relevance to this service and sits alongside the “confidential reporting code”.

##### **Involvement of Councillors in the code**

As part of the Council’s overall scrutiny process the Council, as the ultimate employer of all LBHF staff, will be made aware of issues raised through a whistleblowing procedure. The Council established a Standards Committee with responsibilities for scrutiny functions (which would be the logical reporting point, at Councillor level, to oversee the operation of the whistleblowing code) in 2001 who last conducted a review of the operation of the code in 2002.

##### **Awareness and publicity**

For any whistleblowing code to work effectively, all employees need to understand how it works and the circumstances in which it should be used. The Council obtained a pack of training and publicity materials from the national charity Public Concern at Work, which published up-to-date material which takes into account the Public Interest Disclosure Act 1998. Each department will be responsible for their own staff briefings.

##### **Trade Union consultation**

Staffside support the principle of introducing a whistleblowing code.

##### **Public Interest Disclosure Act**

The Public Interest Disclosure Act 1998 gives employees two safeguards in respect of disclosures of information. Firstly, an employee is entitled not to be subjected to any detriment by virtue of having made a protected disclosure.



Secondly, if any employee is dismissed because of having made such a disclosure, the dismissal will automatically be unfair and, further, there will be no need for the employee to have two years' continuous employment before bringing a claim for unfair dismissal.

This legislation is complex and if you feel you need more information about how the act works, please contact Legal Services.

## **CONFIDENTIAL REPORTING POLICY – “WHISTLEBLOWING”**

Employees are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council. They may also fear harassment or victimisation. In these circumstances it may be easier to ignore the concern rather than report what may just be a suspicion of malpractice.

The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. It is recognised that most cases will have to proceed on a confidential basis.

This policy document makes it clear that you can do so without fear of victimisation, subsequent discrimination or disadvantage. This confidential reporting policy is intended to encourage and enable employees to raise serious concerns within the Council rather than overlooking a problem or “blowing the whistle” outside.

The policy applies to all employees and those contractors working for the Council on Council premises, for example, agency staff, builders, drivers where referred to in Council contracts. It also covers suppliers and those providing services under a contract with the Council in their own premises, for example, care homes. It complements the social services whistleblowing policy, which is designed to address issues more specific to that service, and which was introduced in 1998.

These procedures are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some departments. You are responsible for making service users aware of the existence of these procedures.

This policy has been discussed with the relevant trade unions and professional organisations and has their support.

### **Aims and scope of this policy**

This policy aims to:

- encourage you to feel confident in raising serious concerns and to question and act upon concerns about practice
- provide avenues for you to raise those concerns and receive feedback on any action taken
- ensure that you receive a response to your concerns and that you are aware of how to pursue them if you are not satisfied
- reassure you that you will be protected from possible reprisals or victimisation if you have a reasonable belief that you have made a disclosure in good faith.

There are existing procedures in place to enable you to log a grievance relating to your own employment. The confidential reporting policy is intended to cover major concerns that fall outside the scope of other procedures. These include:

- conduct which is an offence or a breach of law
- disclosures related to miscarriages of justice
- health and safety risks, including risks to the public as well as other employees
- damage to the environment
- the unauthorised use of public funds
- possible fraud and corruption
- sexual or physical abuse of clients, or
- other unethical conduct.

Thus, any serious concerns that you have about any aspect of service provision or the conduct of officers or members of the Council or others acting on behalf of the Council can be reported under the confidential reporting policy. This may be about something that:

- makes you feel uncomfortable in terms of known standards, your experience or the standards you believe the Council subscribes to; or
- is against the Council's standing orders, financial regulations, contracts code, or other policies; or
- falls below established standards of practice; or
- amounts to improper conduct.

This policy does not replace the corporate complaints procedure (copies of which are held by all departments).

## **Safeguards**

### **Harassment or victimisation**

The Council is committed to good practice and high standards and wants to be supportive of employees.

The Council recognises that the decision to report a concern can be a difficult one to make. If what you are saying is true, you should have nothing to fear because you will be doing your duty to your employer and those for whom you are providing a service.

The Council will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

Any investigation into allegations of potential malpractice will not influence or be influenced by any disciplinary or redundancy procedures that already affect you.

### **Confidentiality**

All concerns will be treated in confidence and every effort will be made not to reveal your identity if you so wish. At the appropriate time, however, you may need to come forward as a witness.

### **Anonymous Allegations**

This policy encourages you to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Council.

In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issue raised
- the credibility of the concerns; and
- the likelihood of confirming the allegation from attributable sources.

### **Untrue Allegations**

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 an allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

### **How to Raise a Concern**

As a first step, you should normally raise your concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issue involved and who is suspected of the malpractice. For example, if you believe that management is involved, you should approach the Managing Director, Monitoring Officer or Internal Audit.

Concerns may be raised verbally or in writing. Staff who wish to make a written report are invited to use the following format:

- the background and history of the concern (giving relevant dates);
- the reasons why you are particularly concerned about the situation.

The earlier you express the concern the easier it is to take action.

Although you are not expected to prove beyond doubt the truth of any allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

Obtain advice / guidance on how to pursue matters of concern from:

- Chief Executive x2000
- Assistant Chief Executive x2100
- Chief Internal Auditor x2529
- Corporate Fraud Manager x2551
- Public Concern at Work (independent help line) 020 7040 6609

You may wish to consider discussing your concern with a colleague first and may find it easier to raise the matter if there are two (or more) of you who have had the same experience of concerns.

You may invite your trade union, professional association representative or a friend to be present during any meetings or interviews in connection with the concerns you have raised.

### **How the Council will Respond**

The Council will respond to your concerns. Do not forget that testing out your concerns is not the same as either accepting or rejecting them.

Where appropriate, the matters raised may:

- be investigated by management, internal audit, or through the disciplinary process
- be referred to the police
- be referred to the external auditor
- form the subject of any independent inquiry

In order to protect individuals and those accused of misdeeds or possible malpractice, initial enquiries will be made to decide whether an investigation is appropriate and, if so, what form it should take. The overriding principle which the Council will have in mind is the public interest. Concerns or allegations which fall within the scope of specific procedures (for example, child protection or discrimination issues) will normally be referred for consideration under those procedures.

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.

Within ten working days of a concern being raised, the responsible person will write to you:

- acknowledging that the concern has been received
- indicating how we propose 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
- supplying you with information on staff support mechanisms, and
- telling you whether further investigations will take place and if not, why not.

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, the Council will seek further information from you.

Where any meeting is arranged, off-site if you so wish, you can be accompanied by a union or professional association representative or a friend.

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 arrange for you to receive advice about the procedure.

The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

### **The Responsible Officer**

The Monitoring Officer has overall responsibility for the maintenance and operation of this policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will report as necessary to the Council.

### **How the Matter Can Be Taken Further**

This policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you

are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- Public Concern at Work 020 7404 6609
- Audit Commission 020 7630 1019
- Your Trade Union
- Fulham CAB, Hammersmith & Fulham Community Law Centre
- Relevant Professional Bodies or Regulatory Organisations
- The Police.

If you do take the matter outside the Council, you should ensure that you do not disclose confidential information.

## **2. Summary**

2.1 The Council's full Policy on Whistleblowing is outlined above.

2.2 The following summarises the most important points pertaining to Whistleblowing.

*What should I do if I think there's a fraud?*

2.3 The Council has had in place since 1994 a code of conduct for all employees which makes it clear that employees should report any impropriety or breach of procedure that they encounter in working for the Council.

2.4 Employees (including Managers) wishing to raise concerns should refer to the Council's Whistleblowing Policy. A full copy of the Whistleblowing Policy can be obtained from the intranet or Human Resources, or via a Trade Union Representative.

*Who should I tell?*

2.5 As a first step, you should normally raise your concerns with your immediate manager or their superior. This depends, however, on the seriousness and sensitivity of the issue involved and who is suspected of the malpractice. Concerns may be raised verbally or in writing and should include:

- the background and history of the concern, including dates
- the reasons why you are particularly concerned about the situation.

2.6 Suspected or apparent financial irregularities must be brought to the attention of the Council's Internal Audit Division in accordance with Financial Regulations. Where the irregularities relate to an elected member, there should be an immediate notification to the Managing Director or the Monitoring Officer (by a line Manager or via the Internal Audit Division).

2.7 The Council's Corporate Anti Fraud Service can be contacted by telephone on 020 8753 2551 or by writing to the Corporate Fraud Manager, 2nd Floor Town Hall Extension, King Street, Hammersmith W6 9JU.

*What must I not do?*

2.8 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 an

allegation frivolously, maliciously or for personal gain, disciplinary action may be taken against you.

- 2.9 If you take the matter outside the Council, you should ensure that you do not disclose confidential information.

*Will my information be treated seriously?*

- 2.10 The Council will respond to your concerns.
- 2.11 Where appropriate, the matters raised may either be investigated internally or be referred to the police.
- 2.12 Within ten working days of a concern being raised, the responsible person (the Monitoring Officer) will write to you and
- acknowledge that the concern has been received
  - outline how the matter is to be dealt with
  - give an estimate of how long it will take to provide a final response
  - tell you whether any initial enquiries have been made
  - supply you with information on staff support mechanisms
  - telling you whether further investigations will take place and if not, why not.
- 2.13 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 arrange for you to receive advice about the procedure.
- 2.14 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

*Could I be protected under the Public Interest Disclosure Act*

- 2.15 The Public Interest Disclosure Act gives employees two safeguards in respect of disclosures of information.
- *Firstly*, an employee is entitled not to be subjected to any detriment by virtue of having made a protected disclosure.
  - *Secondly*, if any employee is dismissed because of having made such a disclosure, the dismissal will automatically be unfair and, further, there will be no need for the employee to have two years' continuous employment before bringing a claim for unfair dismissal.
  - *Further*, the Council itself will not tolerate any harassment or victimisation (including informal pressures) and will take appropriate action to protect you when you raise a concern in good faith.

*Alternative Methods*

- 2.16 Alternative methods of taking a concern forward are:

- Through local Councillors
- Trade Union Representatives – employees may invite their Trade Union to raise a matter on their behalf
- The Police – suspicions of fraud or corruption may be reported directly to the police
- The Local Government Ombudsmen – this is an independent body set up by the government to deal with complaints against Councils in the United Kingdom
- Public Concern at Work – this is a charity, which provides free and strictly confidential legal help to anyone concerned about a malpractice, which threatens the public interest. They operate a help line on 020 7404 6609 or can be e-mailed at [whistle@pcaw.co.uk](mailto:whistle@pcaw.co.uk).

### **3. Promotion and Awareness**

- 3.1 The pertinent points are contained in the Whistleblowing Staff leaflet.
- 3.2 Issues, procedures, processes and contact details will be publicised around the Council by means of a targeted poster campaign and Fraud Awareness Training.



# STANDARDS COMMITTEE

# 6

## 7 NOVEMBER 2006

CONTRIBUTORS	STANDARDS COMMITTEE WORK PROGRAMME	WARDS
ACE (P&P)/H.Cttees		ALL
ACE (OD)	<u>Synopsis</u>	

The attached appendix sets out the Committee's future work programme and scheduled reporting dates. Members are asked to note and update as necessary.

### RECOMMENDATION:

That the Standards Committee note and agree its proposed forward work programme .



**APPENDIX A**

**STANDARDS COMMITTEE PROPOSED FORWARD WORK PROGRAMME**

<b>TITLE</b>	<b>PROPOSED DATE</b>
Feedback from Annual Conference & matters arising (Govt / Standards Board initiatives for the future)	October /Nov Committee meeting
Consideration of District Audit Management Letter & the operation of ethical governance framework	January 2007 Committee meeting
Review & update as necessary of Council Local Protocols	March 2007 Committee meeting
Annual Monitoring Report	March 2007 Committee meeting

**LOCAL GOVERNMENT ACT 2000  
BACKGROUND PAPERS**

<b>No.</b>	<b>Brief Description of Background Papers</b>	<b>Name/Ext. of holder of file/copy</b>	<b>Department/Location</b>
1.	Audit Commission ethical health-check LBHF 2005	John Cheong x 2062	Room 203, Hammersmith Town Hall