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Friday, 2 June 2017

Notice of meeting / Hysbysiad o gyfarfod:

Standards Committee

**Monday, 12th June, 2017 at 10.00 am,
Council Chamber - Council Chamber**

AGENDA

Item No	Item	Pages
1.	Election of Chair	
2.	Appointment of Vice-Chair	
3.	Apologies for absence	
4.	Declarations of interest	
5.	To receive the minutes of the meeting held on 27th February 2017	1 - 2
6.	Granting of Dispensations to Members	3 - 24
7.	Whistleblowing Policy	25 - 40
8.	To exclude the press and public from the meeting during the consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information	41 - 42
9.	Recent Decision of Public Services Ombudsman for Wales not to investigate	43 - 54
10.	To note the date and time of next meeting as Monday 25th September 2017 at 10.00am	

Paul Matthews

Chief Executive / Prif Weithredwr

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

D. Evans
J.Pratt
S. Woodhouse

Public Information

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Welsh Language

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Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

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Public Document Pack Agenda Item 5

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Standards Committee held
at Council Chamber - Council Chamber on Monday, 27th February, 2017 at 9.30 am**

PRESENT: Mr. T Auld (Chair – Independent Representative), County Councillors D. Edwards and P. Jordan, I. Cameron (Community Member), G. Preece, R. McGonigle and R. Stow (Independent Members)

OFFICERS IN ATTENDANCE:

Robert Tranter
Nicola Perry

Head of Legal Services & Monitoring Officer
Senior Democracy Officer

APOLOGIES:

Councillors D. Evans

1. Election of Chair

We elected Mr. T. Auld as Chair.

It was noted that the Chair for the next Council term would be elected at the Standards Committee held in June 2017.

We welcomed the new independent members, Mr. R. McGonigle and Mr. R. Stow to the Committee.

2. Declarations of interest

There were no declarations of interest.

3. To receive the minutes of the meeting held on 19th September 2016

The minutes of the meeting of Standards Committee held on 19th September 2016 were confirmed as a correct record and signed by the Chair.

In response to a question raised at the meeting, we heard that there had been no instances of cases of alleged breaches of the code of conduct being referred to another Standards Committee in Wales by the “home authority”.

4. Monitoring Officer to undertake training on Code of Conduct with Members of Standards Committee

The Monitoring Officer undertook Code of Conduct training with members of Standards Committee. The same training would be undertaken with the new Council following the May election.

Members were provided with a presentation of the Member Induction Wales 2017, with examples of breaches of the Code of Conduct.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Standards Committee held at Council Chamber - Council Chamber on Monday, 27th February, 2017 at 9.30 am

It was suggested that the Register of Interests be added as an agenda item for a future meeting.

We heard that guidance on the use of social media would be circulated to the new cohort.

Members were also provided with guidance, and exercises, on Personal Interests.

Following the training Members agreed that the training received today would be appropriate for the new Council. The Monitoring Officer intends to hold several sessions to ensure as many councillors as possible be given the opportunity to undertake the training. In terms of training for Town and Community Councils, the intention is to hold a couple of sessions in both the north and south of the County to allow as many councillors as possible to take the training.

It was suggested that attendees sign an attendance sheet on leaving the training session to ensure detail of those who attend are there for the whole session.

5. To note the date and time of next meeting.

We noted the date of the next meeting as 12th June 2017. However, the Council Diary is to be confirmed at Council 20th March 2017.

It was agreed that future meetings be held at 10.00am.

The meeting ended at 12:15

SUBJECT: Granting of Dispensations to Members

MEETING: Standards Committee

DATE: 12th June 2017

DIVISION/WARDS AFFECTED: All

- 1. PURPOSE:** To consider a discussion paper prepared by Trevor Auld, Independent Member of the Standards Committee on the process of granting dispensations to members.
- 2. RECOMMENDATIONS:** To decide whether the current process in granting dispensations needs to be adapted or amended.
- 3. KEY ISSUES:** The Standards Committee has the power to grant dispensations to members to allow them to speak and/or vote on a matter where they have a personal and prejudicial interest, and would normally be unable to take any part in the meeting for that item on the agenda.

A discussion paper, marked “appendix 1”, on the topic has been prepared by Trevor Auld for consideration by the Standards Committee.

I have attached as background papers reports from 7th March 2011 – Policy Framework for Grant of Dispensation, marked “appendix 2” and 5th December 2011 – Policy and procedure for Considering Grants of Dispensation, marked “appendix 3”. Interestingly for the latter report, Standards Committee did not agree with the recommendations in the report.

I have prepared an updated application for dispensation form and the supporting circumstances when a Standards Committee can grant a dispensation, marked “appendix 4”, to take into account the recent changes to the Standards Committee (Grant of Dispensations) Regulations 2001 brought about by the Local Government (Standards Committees, Investigations, Dispensations and Referral) (Wales) (Amendment) Regulations 2016 that introduces a new ground to grant a dispensation – “it appears to the committee to be otherwise appropriate to grant a dispensation”.

The numbers of applications for dispensations has reduced greatly over the last 5 years. In my view this is due to the very prescriptive nature of the code of conduct, where it is clear when members must declare interests and the nature of those interests – paragraph 10 of the code, and then what constitutes a prejudicial interest under paragraph 12. The 2008 code of conduct, as amended, no longer differentiates between those interests where a member can speak but not vote or speak and vote. Under the current code, if the interest is personal then the member can remain in the meeting, take part in the debate and vote. If the interest is personal and prejudicial then the member must withdraw from the meeting. There are exceptions in the code at paragraph 12(2) where a member with a prejudicial interest can remain in the meeting. Further there are provisions in the code at paragraphs 14(2) and 14(3)(c) where a member with a prejudicial interest can make representations to the committee.

I don't think that the experiences within Monmouthshire are unique and the pattern is much the same across Wales. As the Public Services Ombudsman for Wales notes, “*The Standards Committee will need to balance the*

public interest in preventing members with prejudicial interests from taking part in decisions against the public interest in decisions being taken by a reasonably representative group of members of the authority”.

4. **REASONS:** With the start of a new council it is an opportune time to review the suitability of the Standards Committee’s procedures in dealing with requests for dispensations.

5. **RESOURCE IMPLICATIONS:** None other than the Standards Committee will need to meet more frequently if there is an increase in the numbers of requests for dispensations from members.

6. **SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:** None.

7. **SAFEGUARDING AND CORPORATE PARENTING IMPLICATIONS:** None.

8. **CONSULTEES:** None.

9. **BACKGROUND PAPERS:** Standards Committee reports from 7th March and 5th December 2011.

10. **AUTHOR:** Robert Tranter, Monitoring Officer and Head of Legal Services

11. **CONTACT DETAILS:** Telephone – 01633 644064

E-mail: roberttranter@monmouthshire.gov.uk

Circumstances when a standards committee may grant dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 (as amended) specify that a standards committee of a relevant authority may grant dispensations under Section 81 of the Act where:

- a. no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered as an interest which relates to that business;
- b. no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- c. in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- d. the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- e. the interest is common to the member and a significant proportion of the general public;
- f. the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- g. the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and a member's interest is not a pecuniary interest;
- h. the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- i. it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed.
- j. it appears to the committee to be otherwise appropriate to grant a dispensation. A dispensation granted under paragraph (j) must be reviewed by the Standards Committee once in every 12 month period beginning from the date on which the dispensation was first granted to determine whether the dispensation should continue to have effect.

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**MONMOUTHSHIRE COUNTY COUNCIL
REPORT**

Agenda item 4(a)

SUBJECT:	MEMBERS' CODE OF CONDUCT – POLICY FRAMEWORK FOR GRANT OF DISPENSATION
MEETING:	STANDARDS COMMITTEE
DATE:	7 March 2011
DIVISION/WARDS AFFECTED:	COUNTYWIDE

1. PURPOSE:

To propose a policy framework to guide the Standards Committee's consideration of applications for dispensations from members of the County Council and members of Town and Community Councils within Monmouthshire.

2. RECOMMENDATIONS:

That the policy framework in Appendix A is adopted by the Standards Committee to inform its consideration of applications for dispensations.

3. REASONS:

- 3.1 Part 3 of the Local Government Act 2000 covers the conduct of members, and Section 81(4) of the Act states that

“any participation by a member or co-opted member of a relevant authority in any business which is prohibited by the mandatory provisions is not a failure to comply with the authority's Code of Conduct if the member or co-opted member has acted in accordance with the dispensation from the prohibition granted by the authority's Standards Committee in accordance with regulations made under sub-section (5)”

- 3.2 The Standards Committee has power to grant dispensations to members to participate in Council business, but these are limited by (among other provisions) the Standard Committees (Grant of Dispensations) (Wales) Regulations 2001. In these regulations, regulation 2 sets out the circumstances in which the Committee, acting under Section 81(4) of the Local Government Act 2000 may grant dispensations. Regulation 2 is annexed to this report.

- 3.3 A policy framework was last considered by the Standards Committee in 2004. Appendix A has been amended only to take account of amendments to the Code made in 2008. Recent guidance from the Public Services Ombudsman for Wales regarding dispensations provides that

The standards committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions,

against the public interest in decisions being taken by a reasonably representative group of members of the authority.

- 3.4 It is a prerequisite of the grant of dispensation that members have disclosed interests in advance to the Monitoring Officer. The request for dispensation should be accompanied by details of the member's interest, together with relevant details, including the matter in respect of which dispensation is sought. Joint applications may be made where more than one member of the authority seeks dispensation to on the same matter. Dispensation may be given to either speak and vote or to speak only.

4. REASONS

The adoption of a policy framework will help members to consider whether they should seek dispensation from the Standards Committee. Whilst adoption of the framework may assist the committee in demonstrating consistency, it will not however fetter members' discretion in relation to the application of the regulations to any individual application.

5. RESOURCE IMPLICATIONS:

None

6. CONSULTEES:

None

7. BACKGROUND PAPERS:

Monmouthshire County Council Code of Conduct for members

8. AUTHOR:

S M W Andrews, Monitoring Officer

CONTACT DETAILS:

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**POLICY FRAMEWORK FOR CONSIDERING APPLICATIONS FOR
DISPENSATION**

When considering applications for dispensation, the Council's Standards Committee will take into account the following matters:-

- (a) safeguarding the ability of Councillors and co-opted members to represent their community properly
- (b) the need for Councillors in particular to be able to participate in the working of relevant outside bodies, including School Governors, Community Associations, Companies and Trusts formed with the specific purpose of furthering Council objectives
- (c) the ability to distinguish between interests that are of a more technical nature and those which are likely to substantially influence the judgement and objectivity of individual Councillors or co-opted members
- (d) when members have a personal financial or other pecuniary interest in an issue, it will rarely be possible to grant dispensation when the matter under discussion impacts directly upon that interest

Circumstances when a standards committee may grant dispensations

The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001 specify that a standards committee of a relevant authority may grant dispensations under Section 81 of the Act where:

- a. no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered as an interest which relates to that business;
- b. no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;
- c. in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;
- d. the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;
- e. the interest is common to the member and a significant proportion of the general public;
- f. the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;
- g. the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and a member's interest is not a pecuniary interest;
- h. the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or
- i. it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within 7 days. Such a notification should specify to whom the dispensation should apply and why in the standards committee's view the disability should be removed. The notification should be addressed to: Local Government Modernisation Division 1A, National Assembly for Wales, Cathays Park, Cardiff, CF 10 3NQ.

<p>SUBJECT: Policy & Procedure for Considering Grants of Dispensation MEETING: Standards Committee DATE: 5th December 2011 DIVISION/WARDS AFFECTED:</p>
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1. PURPOSE:

To review the Committee's previously agreed policy on granting dispensations including time limits and to consider whether to establish a sub-committee that may be convened when requests for dispensation fall outside the normal committee time-scale.

2. RECOMMENDATIONS:

1. To consider establishing a sub-committee of up to five members to consider applications for dispensations from members within Monmouthshire and to select those members of the committee to serve on any sub-committee established.
2. To consider whether to adopt a "default" position with regard to the term of any dispensations granted. Recent practice has been to limit any dispensation to a maximum of 12 months prior to consideration of any renewal.

3. KEY ISSUES:

- 3.1 The current policy framework for considering applications for dispensation was agreed by this committee earlier this year and is attached. I am advised that at a recent Charter Liaison meeting (held with town and community council representatives to build upon the relationships between community councils and the County Council) a particular councillor present (supported by others) spoke of his frustrations in relation to the committee's practice which has emerged over the years of limiting dispensations to 12 months and requiring the member to re-apply at the end of that period even where circumstances have not changed. I believe that the particular councillor observed that this could result in dispensation being refused even though nothing has changed. I have been challenged to indicate, therefore, why it is necessary for councillors to re-apply after a year if their circumstances have not changed and whether legislation requires such a limit.

My initial response was to advise that circumstances may indeed change and that it was a useful discipline to require members to consider whether it continued to be appropriate after, say, 12 months to seek a dispensation in relation to any particular matter. I have however undertaken a "straw poll" of other monitoring officers in Wales. Whilst one or two effectively set a time limit, the overwhelming practice appears to be that dispensations are specific to particular meetings or otherwise "until revoked".

Of course members are not necessarily required to take any action or even offer a view at this stage. All individual applications for dispensation are considered on merit although the standard form which members are asked to complete requires them to indicate “do you seek a dispensation just for the one meeting or for a longer period? If longer please state a period not exceeding **one calendar year**”. Members may wish to consider amending this requirement.

- 3.2 The Local Government Act 2003 provided specifically that Standards Committees may establish a sub-committee to carry out such part of the committee’s remit as is thought appropriate. The application of the Code of Conduct often results in members declaring prejudicial interests which prevent them from taking part in decisions in relation to matters affected by that interest. Often timescales in bringing decision forward within the Cabinet, Council and other committee cycles leave little time for the full committee of the Standards Committee to be convened in order to consider an application for dispensation.

Many authorities therefore consider it to be more effective to establish a standing sub-committee which can more easily be convened at relatively short notice in order to consider applications for dispensation. The remit of such a sub-committee regarding dispensations would not be exclusive to it so that the main Standards Committee could also exercise this function. On that basis there might be greater flexibility in the committee being reactive to the need for applications within the timescales for decision making.

The Standards Committee consists of nine members and if a sub-committee were to be appointed it is suggested that a suitable number would be five. This could consist of three independent members and two elected members with one of the independent members (if the current chair and vice-chair are not present) being elected as a chair for that meeting as decided by the sub-committee. If the application for dispensation involves a community councillor, then one of the elected members must be the community councillor representative on the parent standards committee (unless it relates to the community council of that member).

Regulation 24 of the Standards Committee (Wales) Regulations 2001 provides that a Standards Committee is only quorate when:

- At least 3 members are present including the chair; and
- At least half of the members present including the chair are independent.

Under present legislation, there must be a physical meeting of the sub-committee members and papers could be emailed if the committee meeting was called at short notice. It may be possible to so constitute the sub-committee that substitute members could be invited if additional members were required in order to maintain a quorum.

4. REASONS:

To keep under review the operation of the Standards Committee with regard to the “*dispensation regime*”.

5. RESOURCE IMPLICATIONS:

Probably only travelling expenses for ad hoc meetings of a sub-committee.

6. SUSTAINABLE DEVELOPMENT IMPLICATIONS:

None

7. CONSULTEES:

The legislation provides that in any sub-committee established to consider issues effecting community councillors, then the Standards Committee must both consult with the community councils within the area and ensure that the community councillor representative on the Standards Committee serves on any sub-committee dealing with matters from community councils

8. BACKGROUND PAPERS:

None

9. AUTHOR:

S.M.W. Andrews, Monitoring Officer.

10. CONTACT DETAILS:

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MONMOUTHSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

FORM FOR APPLICATION FOR DISPENSATION

Note

Under Section 81 of the Local Government Act 2000, a member who has a personal and prejudicial interest in a matter which is under consideration may not participate in the consideration of that matter by the Council, Cabinet, Committee, Sub-Committee or other meeting unless he/she has first obtained a dispensation from the Standards Committee. The Committee may grant dispensation to vote and/or speak as appropriate.

You may apply for a dispensation by completing this form and sending it to the Monitoring Officer not less than two weeks before the date when the matter is to be considered.

1.	Member's name:	
2.	What is the matter which is shortly to be considered and in respect of which you seek a dispensation?	
3.	What body (Council, Cabinet, Committee Sub-Committee, working group etc) is due to consider this matter?	
4.	What is the nature of your personal interest?	

5.	What is the date of the meeting at which this matter is to be considered?	
6.	Under which of the following grounds do you seek the dispensation :	
(a)	Where no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;	
(b)	Where no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or (e) also applies;	
(c)	Where in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;	
(d)	Where the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;	
(e)	Where the interest is common to the member and a significant proportion of the general public;	

(f)	Where the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;	
(g)	The business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and a member's interest is not a pecuniary interest;	
(h)	Where the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the Authority and the member has no other interest in that business (NOTE – any dispensation on this ground may not extend to being able to vote)	
(i)	Where the member asks the Standards Committee to determine that it appears to the committee to be in the interests of the inhabitants of the area of the Authority that the disability should be removed.	
(j)	Where it appears to the Standards Committee to be otherwise appropriate to grant a dispensation. A dispensation granted under paragraph (j) must be reviewed by the Standards Committee once in every 12 months from the date on which the dispensation was first granted to determine whether the dispensation should continue to have effect.	
7.	Do you seek a dispensation just for the one meeting or for a longer period? If longer, please state a period not exceeding one calendar year.	

8.	Please set out below the reasons why you consider that the Standards Committee should grant you this dispensation:	

Signed:

Date:

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Discussion Paper 2

Dispensations

Following the Council elections in May 2017 it is likely that we may receive applications for dispensation from new Councillors. It is important therefore that we understand why dispensations may be requested, how we as a Committee should respond and whether we have the necessary procedures agreed and in place for dealing with applications.

When I joined the Standards Committee in 2011 it was quite usual to have a number of applications for dispensation to consider at each meeting. For the past few years however we have only received one application for renewal of an annual dispensation, and that was refused.

Applicants seeking a dispensation are currently required to complete a pro-forma by hand and send it to the Monitoring Officer not less than two weeks before the date when the matter is to be discussed. In the application form they must answer the following questions:

1. *Member's name*
2. *What is the matter which is shortly to be considered and in respect of which you seek a dispensation?*
3. *What body (Council, Cabinet, Committee, Sub Committee, working group, etc) is due to consider this matter?*
4. *What is the nature of your personal interest?*
5. *What is the date of the meeting at which the matter is to be discussed?*
6. *Under which of the following grounds do you seek dispensation [the relevant paragraph a – i from the SI above]?*
7. *Do you seek a dispensation just for the one meeting or for a longer period? If longer, please state a period not exceeding one calendar year.*
8. *Please set out the reasons why you consider that the Standards Committee should grant you this dispensation.*

To determine whether a dispensation should be granted we were referred to The Standards Committees (Grant of Dispensations) (Wales) Regulations 2001*, which states that:

2. The standards committee of a relevant authority may grant dispensations under section 81(4) of the Local Government Act 2000 where —

(a) no fewer than half of the members of the relevant authority or of a committee of the authority (as the case may be) by which the business is to be considered has an interest which relates to that business;

(b) no fewer than half of the members of a leader and cabinet executive of the relevant authority by which the business is to be considered has an interest which relates to that business and either paragraph (d) or

(e) also applies;

(c) in the case of a county or county borough council, the inability of the member to participate would upset the political balance of the relevant authority or of the committee of the authority by which the business is to be considered to such an extent that the outcome would be likely to be affected;

(d) the nature of the member's interest is such that the member's participation in the business to which the interest relates would not damage public confidence in the conduct of the relevant authority's business;

(e) the interest is common to the member and a significant proportion of the general public;

(f) the participation of the member in the business to which the interest relates is justified by the member's particular role or expertise;

(g) the business to which the interest relates is to be considered by an overview and scrutiny committee of the relevant authority and the member's interest is not a pecuniary interest;

(h) the business which is to be considered relates to the finances or property of a voluntary organisation of whose management committee or board the member is a member otherwise than as a representative of the relevant authority and the member has no other interest in that business provided that any dispensation shall not extend to participation in any vote with respect to that business; or

(i) it appears to the committee to be in the interests of the inhabitants of the area of the relevant authority that the disability should be removed provided that written notification of the grant of the dispensation is given to the National Assembly for Wales within seven days in such manner as it may specify.

[*Please note that the SI has been amended since 2001]

We also received a copy of the MCC's policy framework for considering applications for dispensation, which states:

When considering applications for dispensation, the Council's Standards Committee will take into account the following matters:-

- (a) Safeguarding the ability of Councillors and co-opted members to represent their community properly.*
- (b) The need for Councillors in particular to be able to participate in the working of relevant outside bodies, including School Governors, Community Associations, Companies and Trusts formed with the specific purpose of furthering Council objectives.*
- (c) The ability to distinguish interests that are of a more technical nature and those which are likely to substantially influence the judgement and objectivity of individual Councillors or co-opted members.*
- (d) When members have a personal financial or other pecuniary interest in an issue, it will rarely be possible to grant dispensation when the matter under discussion impacts directly upon that interest.*

And the following guidance to Councillors from the Public Services Ombudsman for Wales:

You [Councillors] can apply for a dispensation individually and, in certain circumstances, you can make joint applications where a number of members want to obtain a dispensation to speak or vote on the same matter. If the Standards Committee approves your application, it must grant the dispensation in writing and before the meeting is held. If you need a dispensation, you should apply for one as soon as is reasonably possible. Only the Standards Committee can grant the dispensation and will do so at its discretion. The Standards Committee will need to balance the public interest in preventing members with prejudicial interests from taking part in decisions, against the public interest in decisions being taken by a reasonably representative group of members of the authority. If failure to grant a dispensation will result in an authority or committee not achieving a quorum, this may well constitute grounds for granting a dispensation. Where you hold a dispensation, you can also make written representations but you must provide details of the dispensation in any correspondence. If you make oral representations, whether in person or by phone, you must refer to the dispensation and confirm this in writing within 14 days. [August 2016]

In practice, however, we have relied heavily upon the expert guidance of the Monitoring Officer.

Issues to discuss

1. Are we clear on the reasons why a dispensation may be requested?
2. Is the current application for dispensation fit for purpose?
3. Should we request that every application for dispensation is completed on line? [In my experience handwritten copies have proved very difficult to read]
4. Should the minimum period for an application for dispensation be reduced?
5. Should the maximum period for a dispensation to be in force be reduced from one calendar year?
6. Should we accept a last-minute application for dispensation and, if so, how should we process it?
7. Should the granting of a dispensation be the end of the matter for the Standards Committee? Should we require every applicant who is granted a dispensation to report back to the Standards Committee, through the Monitoring Officer, advising when, where and how the dispensation was used and whether or not it was effective?

Trevor Auld

Independent member

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SUBJECT: Whistle Blowing Policy

MEETING: Standards Committee

DATE: 12th June 2017

DIVISION/WARDS AFFECTED: All

1. **PURPOSE:** To consider the Council's latest version of its whistle blowing policy.
2. **RECOMMENDATIONS:** To decide that the Council's whistle blowing policy will operate effectively.
3. **KEY ISSUES:** One of the roles and functions of the Standards Committee is to ensure that the Council's whistle blowing procedure operates effectively.

I attach the report and whistle blowing procedure which was adopted by cabinet on 7th June as "appendix 1".

In 2015 the council dealt with 2 cases of whistle blowing, both school based and resolved.

4. **REASONS:** The council has recently updated its whistle blowing policy and one of the roles of the Standards Committee is to ensure that it operates it effectively.
5. **RESOURCE IMPLICATIONS:** None directly but investigations can be resource intensive.
6. **WELLBEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING AND CORPORATE PARENTING):**

None identified.

7. **CONSULTEES:** None.
8. **BACKGROUND PAPERS:** None.
9. **AUTHOR:** Robert Tranter, Monitoring Officer and Head of Legal Services
10. **CONTACT DETAILS:**

Tel: 01633 644064

E-mail: roberttranter@monmouthshire.gov.uk

SUBJECT: Whistleblowing Policy

MEETING: CABINET

DATE: June 2017

DIVISION/WARDS AFFECTED: All

1. PURPOSE:

The purpose of this report is to provide a revised Whistleblowing Policy which is applicable to all employees including those based in schools.

This revised policy will replace the current Whistleblowing policy.

2. RECOMMENDATIONS:

That the revised Whistleblowing Policy be accepted and circulated to all staff and commended to governing bodies for adoption as soon as possible.

3. KEY ISSUES:

The current Whistleblowing Policy was last updated in 2013 and now needs to be revised.

Whistleblowing is defined as:

‘The disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employee or his/her fellow employees’ (Public Concern at Work Guidelines 1997).

Statutory protection for employees who whistle blow is provided by the Public Interest Disclosure Act 1998 (“PIDA”). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns around conduct or practice within the Council/ school which is potentially illegal, corrupt, improper, unsafe and unethical or which amounts to malpractice.

The policy helps to ensure that the Council / School Governing Body is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices and will treat whistleblowing as a serious matter and in line with the Councils/ Governing Body’s commitment to openness, probity and accountability, employees are encouraged to raise concerns which will be taken seriously, investigated and appropriate action taken in response.

The policy is designed to ensure that concerns can be raised about wrongdoing or malpractice within the Council/ School without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

The policy aims to:

- Encourage an individual(s) to feel confident in raising serious concerns at the earliest opportunity and to question and act upon concerns about practice
- Provide avenues for an individual to raise those concerns and receive feedback on any action taken
- Ensure that an individual receives a response to concerns raised and that an individual is aware of process if not satisfied
- Provide reassurance that an individual will be protected from possible reprisals or victimisation if a disclosure is made in good faith and within the meaning of the PIDA.

4. REASONS:

In this policy 'Whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within the Council or School.

Monmouthshire County Council and School Governing Bodies expect the highest standards of conduct from all employees, and encourage employees and others with serious concerns about any aspect of the Council / School's work to come forward and voice those concerns in a safe environment. This policy enables employees to raise concerns at an early stage and in the correct way.

5. RESOURCE IMPLICATIONS:

None

6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:

The Equality Impact Assessment is attached.

7. CONSULTEES:

All recognised trade unions.
Head-teachers

8. BACKGROUND PAPERS: None

9. AUTHOR:

Sally Thomas HR

Tel: 07900 651564 E-mail: sallythomas@monmouthshire.gov.uk

WHISTLEBLOWING POLICY

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INTRODUCTION - What is Whistleblowing?

In this policy 'Whistleblowing' means the reporting by employees of suspected misconduct, illegal acts or failure to act within the Council or School.

Monmouthshire County Council and School Governing Bodies expect the highest standards of conduct from all employees, and encourage employees and others with serious concerns about any aspect of the Council / School's work to come forward and voice those concerns in a safe environment. This policy enables employees to raise concerns at an early stage and in the correct way.

If you are considering raising a concern you should read this policy first. It explains:

- The types of issues/disclosures that can be raised
- How the person raising a concern will be protected from victimisation and harassment
- How to raise a concern
- What the Council/School will do

Whistleblowing is defined as:

'The disclosure by an employee or professional of confidential information which relates to some danger, fraud or other illegal or unethical conduct connected with the work place, be it of the employer or his/her fellow employees' (Public Concern at Work Guidelines 1997).

Statutory protection for employees who whistle blow is provided by the Public Interest Disclosure Act 1998 ("PIDA"). The PIDA protects employees against victimisation if they make a protected disclosure within the meaning of the PIDA and speak out about concerns around conduct or practice within the Council/ school which is potentially illegal, corrupt, improper, unsafe and unethical or which amounts to malpractice.

AIM AND SCOPE OF POLICY

The Council / School Governing Body is committed to achieving the highest possible standards of service and the highest possible ethical standards in public life and in all of its practices and will treat whistleblowing as a serious matter. In line with the Councils/ Governing Body's commitment to openness, probity and accountability, employees are encouraged to raise concerns which will be taken seriously, investigated and appropriate action taken in response.

The policy is designed to ensure that you raise your concerns about wrongdoing or malpractice within the Council/ School without fear of victimisation, subsequent discrimination, disadvantage or dismissal.

The policy aims to:

- Encourage you to feel confident in raising serious concerns at the earliest opportunity 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
- Provide reassurance that you will be protected from possible reprisals or victimisation if you have made disclosure in good faith and within the meaning of the PIDA.

TYPES OF ISSUES/DISCLOSURES THAT CAN BE RAISED

In legislation, the types of disclosure include the following:

- a) That a crime has been committed, is being committed, or is likely to be committed
- b) That a person has failed, is failing, or is likely to fail to comply with any legal obligation to which they are subject,
- c) That a miscarriage of justice has occurred, is occurring, or is likely to occur
- d) That the health & safety of an individual has been, is being, or is likely to be endangered
- e) That the environment has been, is being, or is likely to be damaged
- f) That information tending to show any of (a) to (e) above has been concealed or is likely to be deliberately concealed

In addition to the above, and as further examples, this policy also covers whistleblowing relating to alleged:

- unlawful conduct
- miscarriages of justice in the conduct of statutory or other processes
- failure to comply with a statutory or legal obligation
- potential maladministration, misconduct or malpractice
- health and safety issues including risks to the public as well as risks to pupils and members of staff
- action that has caused or is likely to cause danger to the environment
- abuse of authority
- unauthorised use of public or other funds, fraud or corruption
- breaches of financial regulations or policies
- mistreatment of any person
- action that has caused or is likely to cause physical danger to any person or risk serious damage to school property
- sexual, physical or emotional abuse of members of staff or pupils
- unfair discrimination or favouritism
- behaviour which is discriminatory towards someone with a protected characteristic under the Equality Act 2010.
- racist incidents or acts, or racial harassment and
- attempt to prevent disclosure of any of the issues listed.

RELEVANT LEGISLATION

The Council recognises its responsibilities under the following legislation:

- The Public Interest Disclosure Act 1998
- The Enterprise and Regulatory Reform Act 2013
- Employment Rights Act 1999
- The Equality Act 2010
- The Bribery Act 2010
- The Trade Union and Labour Relations (Consolidation) Act 1992

The policy should be read in conjunction with the Councils:

- Code of Conduct

- Disciplinary Policy
- Equality Policy
- Grievance Policy

If an employee is the subject of disciplinary or redundancy procedures they will not be halted as result of whistleblowing.

POLICY SCOPE

This policy is intended to enable those who become aware of wrongdoing in the Council/School affecting some other person or service, to report their concerns at the earliest opportunity so that they can be properly investigated. The Whistleblowing Policy is not intended to replace existing procedures:

- If your concern relates to your own treatment as an employee, you should raise it under the existing grievance or harassment procedures.
- If a client has a concern about services provided to him/her, it should be raised as a complaint to the Council. (Tel: 01633 644 644).
- Complaints of misconduct by County Councillors are dealt with under a separate procedure (for further information please contact the Council’s Monitoring Officer. Tel: 01633 644 644).
- Complaints about school matters are dealt with under a separate procedure called the School’s Complaints Policy and should be addressed to the Chair of Governors.

WHO CAN RAISE A CONCERN UNDER THIS POLICY?

The policy applies to all:

- Employees of Monmouthshire County Council
- Employees of contractors working for the Council/School.
- Those providing services under a contract or other agreement with the Council/School
- Voluntary workers working with the Council/School

SAFEGUARDING WHISTLEBLOWERS – OUR ASSURANCES TO YOU

The Chief Executive is committed to this policy. If you raise a genuine concern under this policy you will not be at risk of losing your job, or suffer any form of retribution, victimisation or detriment as a result. It won’t matter if you are mistaken provided you genuinely believe that you are acting in the public interest. Of course we cannot extend this assurance to an individual who maliciously raises a matter they know to be untrue.

YOUR LEGAL RIGHTS

This policy has been written to take account of the Public Interest Disclosure Act 1998 (PIDA) which protects workers making disclosures about certain matters of concern, when those disclosures are made in accordance with the Act’s provisions and in the public interest. The Act makes it unlawful for the Council/School Governing Body to dismiss anyone or allow them to be victimised on the basis that they have made an appropriate lawful disclosure in accordance with the Act.

HARASSMENT AND VICTIMISATION

The Council / School Governing Body is committed to good practice and high standards and to being supportive of you as an employee/worker.

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

The Council/School Governing Body will not tolerate any harassment or victimisation of a whistle-blower (including informal pressures) and will take appropriate action to protect you when you raise a concern in accordance with the PIDA provisions, and will treat such harassment and victimisation as a serious disciplinary offence or in the case of contractors, a breach of contract.

CONFIDENTIALITY

Whilst a qualifying disclosure is expected to have substance, it is not expected that the employee raising the disclosure will need to prove it is true. It is the responsibility of the Designated Officer.

All disclosures will be treated in confidence and every effort will be made not to reveal your identity if that is your wish, unless disclosure is required by law.

In some circumstances, for example in disciplinary processes, it may not be possible to take action as a result of your disclosure without your help, so you may be asked to come forward as a witness. If you agree to this, you will be offered advice and support.

The Council / School Governing Body will not place employees under pressure to give their name and will give due consideration to proceeding with investigating the concern on the basis of an anonymous allegation.

ANONYMOUS ALLEGATIONS

This policy encourages you to put your name to your allegation whenever possible - anonymous concerns are much less powerful and it will be much more difficult to provide feedback to you. Nonetheless anonymous concerns will be considered under this whistleblowing policy especially concerns raised relating to the welfare of children or vulnerable adults. In relation to determining whether an anonymous allegation will be taken forward the Council / School Governing Body will take the following factors into account:

- the seriousness of the issue raised
- the credibility of the concern
- the likelihood of confirming the allegation from attributable sources, and obtaining information provided.

The provisions of the Data Protection Act 1998 must be observed during the process, particularly in disclosure, use and processing of personal information.

UNTRUE ALLEGATIONS

If an allegation is made which it is believed to be in the public interest but it is not confirmed by further enquiry or by an investigation, no action will be taken against the person who raised the initial concern. If, however, the enquiry/investigation shows that untrue concerns were malicious and/or vexatious or made frivolously or made for personal gain, then the Council / School Governing Body will consider taking appropriate action which could include disciplinary action.

SUPPORT FOR YOU

The Council/School Governing Body have a duty of care to their employees. Support for the individuals involved in this process is key to fulfilling this duty. Any concern that is raised will be taken seriously.

For those individuals who raise concerns and for those individuals who may have concerns raised about them, the Council/ School Governing Body will do all it can to help you throughout the process. Support will include the offer of access to welfare counselling and medical advice and support. Individuals will be advised to contact their Trade Union representative, or a work place colleague (not involved in the area of work to which the concern relates) for additional support. Individuals will also be offered an additional point of contact for support during the process.

Any meetings that may be required as part of the process can be arranged away from the workplace if necessary and individuals have the right to be accompanied by their trade union representative or work based colleague.

Unless there are legal reasons why this cannot be done, you and the person against whom allegations are made will be kept informed of the progress and outcome of any investigation by the Designated Officer.

HOW TO RAISE A CONCERN

Who to raise the concern with:

CONCERN RELATES TO:	REPORT TO (who becomes the Designated Officer)
General concern / Member of staff/ colleague/Volunteer	Line Manager
For Schools: General concern/ Member of staff/ Volunteer	Head-Teacher
Line Manager	Head of Service / Head teacher
Head of Service / Head teacher	Chief Officer / Chair of Governors
Chief Officer	Chief Executive (Tel: 01633 644 644)
Chair of Governors	Vice Chair of Governors
Chief Executive	Leader of the Council (Tel: 01633 644 644)

Whole Governing Body	Chief Officer, Children & Young People (Tel: 01633 644 644)
Elected Member	Chief Executive (Tel: 01633 644 644)
Malpractice against Child in a School*	Lead Officer for Safeguarding in Education (01633 644 644)
Malpractice against Vulnerable Adult*	Team Manager, Direct Care Services (01633 644 644)

*If the concern is about a child or vulnerable adult rather than malpractice, this should be reported to Children's Services or Adult Services respectively. Tel: 01633 644 644).

PROCEDURE FOR MAKING A WHISTLEBLOWING ALLEGATION

If possible the concern should be put in writing for the avoidance of doubt. It should set out:

- the background and history of the concern;
- give names, dates and places where possible,
- an explanation of the reason for the concerns.

If you feel unable to put the matter in writing you can still raise your concern verbally. Also if you feel that you cannot express your concerns with the Council / School Governing Body, you can also ask your Trade Union representative or work based colleague to raise the matter on your behalf and/or to support you in raising the concern. The above table provides a guide to whom a concern can be raised with - advice and support on this can be sought from People Services HR (01633 644400), the Monmouthshire Legal department (01633 644 644) or your Trade Union representative.

If the concern needs to have Police or other statutory authority involvement, the whistleblowing process will be halted until the statutory authorities have completed their investigations and confirmed that it is appropriate to continue with the whistleblowing process. This must take place even if the statutory authorities take the decision not to pursue a criminal investigation.

Normally, the person who the concern is raised with, or reported to, becomes the Designated Officer. The Designated Officer is responsible for making initial enquiries about the matter and for keeping all parties informed of progress and advising of the outcome. It may be necessary for the Council/ School Governing Body to appoint a person other than the person to whom the allegation or concern was raised with/reported to.

WHAT THE COUNCIL/SCHOOL GOVERNING BODY WILL DO

A key principle for the Council/School Governing Body will be the public interest. In order to be fair to all employees, initial enquiries will be made by the Designated Officer / person appointed to decide whether an investigation is appropriate and if so what form it should take.

The concern raised may require the following:

- enquiry internally in the Council / School
- need to be passed to the Police if it relates to alleged criminal activity

- need to be passed to Audit, if the complaint is about financial management or financial propriety in schools
- need to be referred through established child protection/POVA procedures

At this stage concerns / allegations are neither considered founded or unfounded pending the investigation if deemed necessary.

TIMESCALES

The Designated Officer or person appointed by the Council / School Governing Body to look into whistleblowing allegation will normally provide a written acknowledgement to you **within 5 working days** (except in the case of anonymous allegations):

- acknowledging the concern has been received
- indicating how it is proposed to deal with the matter
- giving an estimate of how long it will take to provide a final response
- advising of the support available whilst matters are looked into
- telling you whether further investigations will take place and if not, why not

The Designated Officer or person appointed will write to you and the individual against whom the concern has been raised to acknowledge receipt and to indicate that the procedures have been commenced.

Depending on the nature of the allegation / concern, provision of a final response may take longer than 5 working days. If this is the case, the Designated Officer or person appointed will notify all individuals in writing providing an indication when the enquiry will be completed.

Where possible, enquiries will be completed within **10-15 working days** from the date of receipt of the initial written response from the Designated Officer/person appointed

If the enquiry extends beyond the timescales above all individuals concerned will be notified in writing by the Designated Officer or person appointed, providing an indication when the enquiry will be completed.

The Designated Officer /person appointed might investigate the concerns raised themselves or the Designated Officer might appoint an independent investigator to do so. As part of this process, the person who investigates the concerns raised will:

- Look into the concern - seeking evidence and interviewing witnesses as necessary.
- Maintain confidentiality wherever possible (but there is not a 100% guarantee that the whistle-blower can remain anonymous).
- If appropriate, refer the matter to Audit, if the complaint is about financial management or financial propriety in schools
- If appropriate, for concerns of criminal behaviour refer the matter to the Police.
- If appropriate, for concerns of child protection or vulnerable adults, refer the matter through the established child protection/POVA procedures.

The amount of contact time between you and the Designated Officer or person appointed to consider and/or investigate the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of your information. It is likely that you will be interviewed to ensure that your disclosure is fully understood.

Any meeting with you can be arranged away from the workplace, if needs be, and a trade union representative or work based colleague may accompany you for support. You need to be assured that your disclosure has been properly addressed. Unless there are legal reasons why this cannot be done, you will be kept informed of the progress and outcome of any investigation.

Following completion of the enquiry/investigation process, the Designated Officer or independent investigator will make a written report normally within **5 working days**. This report will contain findings and make recommendations for the Designated Officer (if an independent investigator has been appointed) or the appropriate committee of the School Governing Body to consider

The report will not contain your name as the whistle-blower, unless you have expressly stated that you wish to be named.

On conclusion of any investigation, you and the person against whom the allegation is made, will be told the outcome of the investigation and what action has been done/proposed. If no action is to be taken, the reason for this will be explained. In addition, matters raised as part of the investigation may:

1. Be referred to the Police
2. Be referred to the External Auditor
3. Form the subject of an independent inquiry
4. Be referred to an alternative policy for example, the Disciplinary Policy or Fairness at Work (Grievance) Policy
5. Some concerns may be resolved as an agreed action without the need for investigation

HOW THE MATTER CAN BE TAKEN FURTHER

This policy is intended to provide you with a route within the Council/School to raise concerns. However, if you do not wish to raise concerns internally or if the concern has not been dealt with satisfactorily, the following are possible contact points. If you take the matter outside the Council/ School, you should ensure that you do not disclose confidential information unless that disclosure is privileged and relevant to the concern raised. Anyone proposing external disclosure should seek independent legal advice or contact the Public Concern at Work organisation.

External Contacts regarding whistleblowing

- GOV.UK website: www.gov.uk/whistleblowing
- ACAS: Call 0300 123
- Citizen's Advice. Website: www.citizensadvice.org.uk
- Public Concern at Work, www.pcaw.org.uk. <https://twitter.com/WhistleUK>.
<https://www.facebook.com/publicconcernatwork>, Tel: 020 7404 6609
- Education Workforce Council www.ewc.wales. Tel: 02920 460099
- Care and Social Services Inspector for Wales www.cssiw.org.uk. Tel: 0300 7900 126
- The Auditor General for Wales: www.wao.gov.uk/whistleblowers-hotline. Tel: 02920 320500
- Children's Commissioner for www.childcomwales.org.uk. Tel: 0808 801 1000
- The Office of the Information Commissioner www.ico.gov.uk. Tel: 02920 678400
- The Police
- Your local councillor or AMs or MPs
- Health & Safety Executive

REVIEW OF THE POLICY

The Council's Monitoring Officer and Head of People and Internal Audit will review this policy annually.

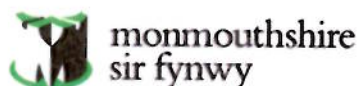
The effectiveness of the policy will be monitored in the following ways:

- The policy will be the responsibility of the Monitoring Officer to annually review ensuring legal compliance and best practice
- The Monitoring Officer will be responsible for reporting on whistleblowing incidents and number of cases will be reported annually by the Monitoring Officer. The report will include a summary of the concerns raised, to which directorate /school they related. The report will not include any employee names.
- Periodic audits of the effectiveness of the whistleblowing arrangements will be undertaken, including
 - Record of the number and types of concerns and the outcome of investigations
 - Feedback from individuals who have used the arrangements including staff awareness, trust and confidence in the arrangements
 - Any complaints of victimisation
 - Any complaints of failures to maintain confidentiality
 - Any relevant litigation
- The outcomes from the monitoring of the policy will be reported to Senior Leadership Team (SLT) and People Board.

VERSION CONTROL

Title	Whistleblowing Policy (including school based employees)
Owner	Monitoring Officer/People Services
Approved by	Cabinet (7 June 2017)
Date	August 2004 Revision: November 2013; Revision: November 2016
Version Number	3
Review Date	2018
Status	Final Draft
Consultation	SLT, People Services, Internal Audit, Trades Unions, JAG (21 November 2016), People Board, Cabinet

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SCHEDULE 12A LOCAL GOVERNMENT ACT 1972 EXEMPTION FROM DISCLOSURE OF DOCUMENTS

MEETING AND DATE OF MEETING:

Standards Committee – 12th June 2017

TITLE OF REPORT: Recent decision of
Public Services Ombudsman for Wales not
to investigate

AUTHOR: Robert Tranter, Monitoring
Officer & Head of Legal Services

I have considered grounds for exemption of information contained in the report referred to above and make the following recommendation to the Proper Officer:-

EXEMPTIONS APPLYING TO THE REPORT: Paragraph 12 of Schedule 12A Part 4 Access to Information: Exempt Information Local Government Act 1972 – information relating to a particular individual and paragraph 13 – information which is likely to reveal the identity of an individual.

FACTORS IN FAVOUR OF DISCLOSURE: Transparency

PREJUDICE WHICH WOULD RESULT IF THE INFORMATION WERE DISCLOSED: As the Ombudsman decided not to investigate the complaint, details of the complaint are never disclosed by the Ombudsman or the Council.

MY VIEW ON THE PUBLIC INTEREST TEST IS AS FOLLOWS: That the information contained in the report should remain exempt.

RECOMMENDED DECISION ON EXEMPTION FROM DISCLOSURE:

Date: 1-6-17

Signed: *RTranter*

Post: Monitoring Officer & Head of Legal Services

I accept/do not accept the recommendation made above

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By virtue of paragraph(s) 12, 13 of Part 1 of Schedule 12A of the Local Government Act 1972.

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