

Agenda



HYNDBURN
The place to be
an excellent council

Standards Committee

Monday, 5 October 2015 at 6.00 pm,
Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor June Harrison

Vice-Chair: Councillor Joyce Plummer

Councillors: Bill Pinder and Kath Pratt

Altham Parish Councillors: Thomas Fearon, Anthony Hickson and Rennie Pinder

Independent Persons: Patricia Higginbottom and Reverend John Holland

A G E N D A

1. Apologies for Absence, Declarations of Interest and Dispensations

2. Minutes of Last Meeting (Pages 3 - 6)

To submit the Minutes of the meeting of the Standards Committee held on 12th January 2015 for approval as a correct record.

Recommended

- That the Minutes be received and approved as a correct record.

3. Annual Ombudsman's Letter (Pages 7 - 14)

To inform the Committee about the Annual Local Government Ombudsman's (LGO's) Letter for 2014/15.

Recommended

- That the Local Government Ombudsman's Letter be welcomed and the report noted.



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Published on Wednesday, 16th September 2015

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4. Review of Whistleblowing Policy (Pages 15 - 30)

To present a revised and updated Whistleblowing Policy to the Committee for consideration and comment.

Recommended - **That the Committee consider the draft Whistleblowing Policy attached to the report and comment prior to the Policy being presented to Cabinet for approval.**

5. Grant of Dispensations (Pages 31 - 40)

To seek the granting of Dispensations to a number of Hyndburn Borough Councillor to vote on certain issues (See Section 3 of the report).

Recommended - **That the requests from Hyndburn Borough Council Members to grant Dispensations to speak and vote on the issues set out in Section 3.2 of the report be considered.**

6. Training - Dealing with Member Complaints

To receive training on how to deal with Member Complaints.

Recommended - **That the contents of the training be noted.**

STANDARDS COMMITTEE

Monday, 12th January 2015

Present: Hyndburn Borough Council Representatives

Councillor Harry Grayson (in the Chair); Councillors June Harrison, Bill Pinder and Kath Pratt

Independent Persons

Mrs. Patricia Higginbottom

341 Apologies for Absence

Apologies for absence were submitted from Altham Parish Councillors Thomas Fearon, Anthony Hickson and Rennie Pinder and from Reverend John Holland (Independent Person).

342 Declarations of Interest and Dispensations

There were no declarations of interest or dispensations.

343 Welcome

The Chair welcomed Mrs. Patricia Higginbottom to her first meeting of the Standards Committee. Mrs. Higginbottom had been appointed to the Committee in the role of Independent Person.

344 Minutes of Last Meeting

The Minutes of the last meeting of the Standards Committee held on 26th November 2013 were submitted for approval as a correct record.

Resolved **- That the Minutes be received and approved as a correct record.**

345 Grant of Dispensations

The Executive Director (Legal and Democratic Services) submitted a report seeking the grant of dispensations to six members of Hyndburn Borough Council and three members of Altham Parish Council for a period of four years to enable them to speak and vote on certain issues.

Hyndburn Councillors Julie Livesey, Jenny Nedwell, Bernadette Parkinson, Joyce Plummer, Malcolm Pritchard and Paul Thompson had applied individually for dispensation to speak and vote on the following matters and their request forms were appended to the report:-

- An allowance, payment or indemnity given to Members
- Ceremonial honours given to Members
- Setting Council Tax or a precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation
- Setting a local Council Tax reduction scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation
- Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation

A dispensation had already been granted to the remaining 29 Hyndburn Borough Councillors.

Altham Parish Councillors Karen Davies, Tom Fearon and Anthony Hickson had applied for dispensation to speak and vote in respect of the setting of a Parish precept under the Local Government and Finance Act 1992, as amended from time to time or any superseding legislation. A copy of the application form signed individually by the Parish Councillors was appended to the report. A dispensation had already been granted to the remaining four Altham Parish Councillors.

The Committee was informed that the Government had taken the view that a dispensation was unnecessary and that councillors did not have a disclosable pecuniary interest in decisions relating to the setting of council tax levels. The matter had not been decided by a court and there was scope to argue that Hyndburn Borough Council and Parish Councillors potentially had a disclosable pecuniary interest when making decisions of that type as they resided in the Borough / Parish and would be required to pay any new level of council tax or precept. However, legal grounds existed to grant the requested dispensations pursuant to the Localism Act.

Resolved

- (1) **That, as requested, a dispensation be granted to the above named six Hyndburn Borough Councillors to allow them to speak and vote on the issues set out above, the dispensation to expire after a period of four years or earlier if they ceased to be members of the Borough Council; and,**
- (2) **That, as requested, a dispensation be granted to the above named three Altham Parish Councillors to allow them to speak and vote on the setting of a Parish precept under the Local Government and Finance Act 1992, as amended from time to time or any superseding legislation, the dispensation to expire after a period of four years or earlier if they ceased to be members of the Parish Council.**

The following items were submitted as urgent business with the Chair's agreement in accordance with Section 100B(4) of the Local Government Act 1972, the reason for both being that the Chair wished the matters to be discussed.

346 Local Assessment of Complaints - Update

The Executive Director (Legal and Democratic Services) gave a verbal update on local complaints which had been received against Councillors and Parish Councillors since the last meeting of the Committee. A number of complaints had related to members in their private capacity and fell outside the scope of the Code of Conduct. The Executive Director advised that Standards Committee members would be provided with refresher training on the procedure for dealing with complaints relating to breach of the Code of Conduct as they could be required to sit on either the Standards Committee Assessment Panel or the Hearing Sub-Committee.

Resolved - That the verbal update be noted.

347 Members Code of Conduct - Training

In response to a query from the Chair of the Committee, the Executive Director (Legal and Democratic Services) reported that a number of training sessions relating to the Members Code of Conduct had taken place for Hyndburn Borough Councillors and the final session was to be held at 6.00 p.m., on Monday, 19th January 2015 in the Queen Elizabeth Room at Scaitcliffe House. A separate training session was to be arranged for Altham Parish Councillors.

Resolved - That the verbal update be noted.

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

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Agenda Item 3.

Report to: Standards Committee

Date: 5th October 2015

Report Author: Executive Director (Legal & Democratic Services)

Title of Report: Annual Ombudsman's Letter

1. Purpose of Report

- 1.1 This report informs Committee about the annual Local Government Ombudsman's (LGO's) letter for 2014/15

2. Recommendations

- 2.1 That Committee welcomes the Ombudsman's letter and notes this report.

3. Background and Reasons for Recommendations

- 3.1 A copy of the LGO's letter is attached to this report at Appendix 1.

- 3.2 The LGO receives a low level of complaints about Hyndburn, which makes it difficult to identify trends from the statistical information provided. The low level of complaints may however reflect good service delivery and / or a good internal complaint handling process.

- 3.3 In summary, in 2014/15 the LGO received 12 complaints about the Council. The complaints related to the following service areas:

Benefits / Council Tax – 5

Housing – 1

Planning - 6

- 3.4 During this period the LGO also determined 13 complaints about the Council. Detailed investigations were carried out in respect of 5 of the complaints, with 4 of these complaints being upheld and 1 not being upheld. Three of the complaints that were withheld following investigation related to Planning and the other related to Benefits / Council Tax.

Of the remaining 8 complaints, 1 was closed after initial enquiries and 7 were referred back to the Council for resolution, probably because the complaint to the Ombudsman was made before the complainant had been through the Council's own complaints procedure.

- 3.5 Most importantly the Ombudsman's letter does not flag up any areas of concern about either the Council's services or its procedures for dealing with complaints.

- 3.6 Appendix 2 shows a comparison between the Council's position and that of neighbouring District Councils over the same period. This exercise also does not indicate any obvious cause for concern in respect of the Council, with Hyndburn receiving a comparable number of complaints to its neighbours.

4. Alternative Options considered and Reasons for Rejection

4.1 None.

5. Implications

Issue	Comments
Financial (including mainstreaming)	No costs identified.
Legal	No issues identified. The Ombudsman's letter gives an indication of the Council's approach to dealing with complaints. A fair and open complaint handling process is one indicator of the strength of the Council's corporate governance arrangements.
Assessment of Risk	No risks identified.
Equality	No equality issues identified.

6. Consultations

6.1 None.

7. Local Government (Access to Information) Act 1985: List of Background Papers

Ombudsman's letter dated 18th June 2015

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

APPENDIX 1

Local Government OMBUDSMAN

18 June 2015

By email

Mr David Welsby
Managing Director
Hyndburn Borough Council

Dear Mr Welsby

Annual Review Letter 2015

I am writing with our annual summary of statistics on the complaints made to the Local Government Ombudsman (LGO) about your authority for the year ended 31 March 2015. This year's statistics can be found in the table attached.

The data we have provided shows the complaints and enquiries we have recorded, along with the decisions we have made. We know that these numbers will not necessarily match the complaints data that your authority holds. For example, our numbers include people who we signpost back to the council but who may never contact you. I hope that this information, set alongside the data sets you hold about local complaints, will help you to assess your authority's performance.

We recognise that the total number of complaints will not, by itself, give a clear picture of how well those complaints are being responded to. Over the coming year we will be gathering more comprehensive information about the way complaints are being remedied so that in the future our annual letter focuses less on the total numbers and more on the outcomes of those complaints.

Supporting local scrutiny

One of the purposes of the annual letter to councils is to help ensure that learning from complaints informs scrutiny at the local level. Supporting local scrutiny is one of our key business plan objectives for this year and we will continue to work with elected members in all councils to help them understand how they can contribute to the complaints process.

We have recently worked in partnership with the Local Government Association to produce a workbook for councillors which explains how they can support local people with their complaints and identifies opportunities for using complaints data as part of their scrutiny tool kit. This can be found [here](#) and I would be grateful if you could encourage your elected members to make use of this helpful resource.

Last year we established a new Councillors Forum. This group, which meets three times a year, brings together councillors from across the political spectrum and from all types of local authorities. The aims of the Forum are to help us to better understand the needs of councillors when scrutinising local services and for members to act as champions for learning from complaints in their scrutiny roles. I value this direct engagement with elected members and believe it will further ensure LGO investigations have wider public value.

Encouraging effective local complaints handling

In November 2014, in partnership with the Parliamentary and Health Service Ombudsman and Healthwatch England, we published '*My Expectations*' a service standards framework document describing what good outcomes for people look like if complaints are handled well. Following extensive research with users of services, front line complaints handlers and other stakeholders, we have been able to articulate more clearly what people need and want when they raise a complaint.

This framework has been adopted by the Care Quality Commission and will be used as part of their inspection regime for both health and social care. Whilst they were written with those two sectors in mind, the principles of '*My Expectations*' are of relevance to all aspects of local authority complaints. We have shared them with link officers at a series of seminars earlier this year and would encourage chief executives and councillors to review their authority's approach to complaints against this user-led vision. A copy of the report can be found [here](#).

Future developments at LGO

My recent annual letters have highlighted the significant levels of change we have experienced at LGO over the last few years. Following the recent general election I expect further change.

Most significantly, the government published a review of public sector ombudsmen in March of this year. A copy of that report can be found [here](#). That review, along with a related consultation document, has proposed that a single ombudsman scheme should be created for all public services in England mirroring the position in the other nations of the United Kingdom. We are supportive of this proposal on the basis that it would provide the public with clearer routes to redress in an increasingly complex public service landscape. We will advise that such a scheme should recognise the unique roles and accountabilities of local authorities and should maintain the expertise and understanding of local government that exists at LGO. We will continue to work with government as they bring forward further proposals and would encourage local government to take a keen and active interest in this important area of reform in support of strong local accountability.

The Government has also recently consulted on a proposal to extend the jurisdiction of the LGO to some town and parish councils. We currently await the outcome of the consultation but we are pleased that the Government has recognised that there are some aspects of local service delivery that do not currently offer the public access to an independent ombudsman. We hope that these proposals will be the start of a wider debate about how we can all work together to ensure clear access to redress in an increasingly varied and complex system of local service delivery.

Yours sincerely



Dr Jane Martin
Local Government Ombudsman
Chair, Commission for Local Administration in England

Local authority report – Hyndburn Borough Council

For the period ending – 31/03/2015

For further information on interpretation of statistics click on this link to go to <http://www.lgo.org.uk/publications/annual-report/note-interpretation-statistics/>

Complaints and enquiries received

Local Authority	Adult Care Services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services and public protection	Highways and transport	Housing	Planning and development	Total
Hyndburn BC	0	5	0	0	0	0	1	6	12

Decisions made

Detailed investigations carried out		Advice given		Closed after initial enquiries	Incomplete/invalid	Referred back for local resolution	Total
Local Authority	Upheld	Not Upheld					
Hyndburn BC	4	1	0	1	0	7	13

Hyndburn BC

Decisions made in period (Apr 2014 - Mar 2015)

Ref	Authority	Category	Decision date	Decision
1	14003214	Hyndburn BC	Planning & Development	05/Jun/2014 Referred back for local resolution
2	13018248	Hyndburn BC	Planning & Development	07/Jul/2014 Not Upheld
3	14006304	Hyndburn BC	Planning & Development	16/Jul/2014 Referred back for local resolution
4	14006397	Hyndburn BC	Benefits & Tax	17/Jul/2014 Referred back for local resolution
5	14007450	Hyndburn BC	Benefits & Tax	12/Aug/2014 Closed after initial enquiries
6	13011264	Hyndburn BC	Benefits & Tax	24/Sep/2014 Upheld
7	14013484	Hyndburn BC	Benefits & Tax	05/Dec/2014 Referred back for local resolution
8	14000279	Hyndburn BC	Planning & Development	22/Jan/2015 Upheld
9	14004538	Hyndburn BC	Planning & Development	23/Jan/2015 Upheld
10	14017406	Hyndburn BC	Housing	02/Feb/2015 Referred back for local resolution
11	14018835	Hyndburn BC	Benefits & Tax	26/Feb/2015 Referred back for local resolution
12	14019467	Hyndburn BC	Planning & Development	09/Mar/2015 Referred back for local resolution
13	14011435	Hyndburn BC	Planning & Development	31/Mar/2015 Upheld

APPENDIX 2

Complaints received

	Hyndburn	Burnley	Pendle	Rosendale	Ribble Valley	South Ribble	Preston	Chorley
Total number of complaints	12	13	19	25	4	14	25	12
Benefits / CT	5	6	7	4	0	1	8	2
Corporate services	0	3	1	2	1	3	7	1
Environmental	0	2	5	7	0	2	0	1
Housing	1	2	1	1	0	2	5	1
Planning	6	0	4	9	3	6	2	6
Highways	0	0	1	1	0	0	3	1
Adult care	0	0	0	1	0	0	0	0

Complaints determined

	Hyndburn	Burnley	Pendle	Rosendale	Ribble Valley	South Ribble	Preston	Chorley
Upheld	4	0	1	0	0	1	0	0
Not upheld	1	3	1	0	2	1	2	0
Advice given	0	1	1	0	0	0	1	0
Initial enquiry	1	6	6	5	1	2	13	4
Invalid	0	2	0	1	0	0	2	0
Local resolution	7	3	7	13	1	10	7	5

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Agenda Item 4.

REPORT TO:	Standards Committee	
DATE:	05 October 2015	
REPORT AUTHOR:	Executive Director (Legal & Democratic Services)	
TITLE OF REPORT:	Review of Whistleblowing Policy	
EXEMPT REPORT:	No	
KEY DECISION:	No	If yes, date of publication:

1. Purpose of Report

1.1 To present a revised and updated whistleblowing policy to Standards Committee for consideration and comment.

2. Recommendations

2.1 That Committee consider the draft whistleblowing policy attached to this report and comment prior to the policy being presented to Cabinet for approval.

3. Reasons for Recommendations and Background

3.1 Standards Committee is charged in the Council's constitution with monitoring the operation of the Council's whistleblowing policy and advising on revisions to the same. The current policy was adopted in 2010 and is therefore ready for review.

3.2 The whistleblowing policy is intended to support the Council's employees, councillors and contractors to raise concerns about wrongdoing or malpractice within the Council without fear of harassment or other reprisal.

3.3 In summary, the draft whistleblowing policy attached to this report has been revised and updated from the current policy as follows:

- (a) Officer contact details have been updated
- (b) Details have been added of "prescribed bodies" to whom whistleblowing disclosures can be made if an employee does not want to raise the concern within the Council
- (c) The guidance to managers dealing with a whistleblowing concern has been expanded to be much clearer and specific about the Council's expectations
- (d) Paragraph 3.3 relating to confidentiality has been rewritten, hopefully to be much clearer about what employees can expect

The proposed amendments reflect the latest advice and guidance published by the charity Public Concern At Work in its last Biennial Review in 2011 and by the National Audit Office in a good practice guide for public sector workers and employers published in November 2014.

3.4 To date, no whistleblowing concerns have been raised in 2015/16.

In 2014/15 three concerns were raised under the Policy. Two were investigated, but were unproven. An investigation in respect of the third concern concluded that the relevant procedures were operating correctly, so there was no issue to be answer.

In 2013/14 one concern was raised under the Policy and, following investigation, disciplinary action was taken against one member of staff.

4. Alternative Options considered and Reasons for Rejection

4.1 The suggested policy is still in draft form and it can be revised to reflect comments from Standards Committee and or the trade unions.

4.2 The Council is not required by law to have a whistleblowing policy, but most local authorities do and this is recognised good practice endorsed by the National Audit Office. If the Council has such a policy it seems sensible to review it from time to time to keep it up to date.

5. Consultations

5.1 The Council's recognised trade unions are also being consulted about the revised policy and their comments will also be presented to Cabinet for consideration when the revised policy is presented for approval.

6. Implications

Financial implications (including mainstreaming)	None Effective whistleblowing arrangements can save the Council money in the long term by minimising the risk of fraud and / or litigation against the Council.
Legal and human rights implications	No adverse consequences There is no legal requirement for the Council to have a whistleblowing policy but this is standard practice in local authorities and it represents good practice, as recommended by the National Audit Office and the charity Public Concern At Work.
Assessment of risk	No adverse consequences The policy is intended to help reduce risk for the Council by avoiding accidents, litigation and possible damage to the Council's

	reputation. Encouraging staff to raise concerns should enable the Council to take corrective or preventative action where needed.
Equality and diversity implications A <i>Customer First Analysis</i> should be completed in relation to policy decisions and should be attached as an appendix to the report.	None identified

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

None

8. Freedom of Information

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

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HYNDBURN BOROUGH COUNCIL

“WHISTLEBLOWING” POLICY

1. INTRODUCTION

- 1.1 People working for the Council (including our employees, contractors and councillors) may become aware of wrongdoing or malpractice within the Council, but may find it difficult to express such concerns. This could be because they believe speaking out would be disloyal to colleagues or to the Council, or they may fear some form of reprisal. It can sometimes seem easier to ignore concerns instead of reporting suspicions that something may be wrong.
- 1.2 The Council is committed to the highest possible standards of openness, probity and accountability. If you work for the Council you have a responsibility to raise any concerns you may have about any aspect of the Council's work so that appropriate enquiries can be made and action taken if needed. No issue or concern is too small. This policy is intended to encourage and enable those working for the Council to raise their concerns with confidence and, if possible, in confidence. The Council is committed to ensuring that those who work for it will not be victimised or suffer disadvantage if reporting genuine concerns.
- 1.3 It also makes good business sense for the Council to enable people to raise their concerns. This policy is a key part of the Council's risk management arrangements and it is intended that it will:
 - deter wrongdoing within the Council
 - help us to pick up potential problems early
 - minimise costs from accidents, investigations and litigation
 - maintain and enhance the Council's reputation
- 1.4 The Council has discussed this policy with the relevant Trade Unions and has their support.
- 1.5 There are already procedures enabling employees to raise issues regarding their employment. This policy does not replace these and is not intended to be used by those who are generally dissatisfied at work. These other policies and procedures include :

Policy/Procedure	Possible Concerns
Harassment Policy	All forms of harassment including discrimination against employees on grounds of race, religion, gender, sexual orientation, age or disability
Health & Safety Policy	Any health and safety risks including risks to the public or employees
Recruitment and Selection Policy	All aspects of the recruitment and selection process

Member Code of Conduct	Concerns about the behaviour of a Councillor
Grievance Procedure	Concerns that you have been unfairly treated by the Council

What is the difference between a whistleblowing concern and a grievance ?

Whistleblowing is where an employee has a concern about risks, malpractice or wrongdoing that has a public interest aspect to it. It could be something that adversely affects other employees, the Council itself and / or the public.

A **grievance** is a dispute about an employee's own employment position and usually has no public interest dimension.

Sometimes a whistleblowing issue can be entangled with a grievance, such as where an employee complains about being made to use a dangerous vehicle or piece of equipment. In such circumstances the Council will consider the circumstances and decide whether the matter is best dealt with under its whistleblowing or grievance procedures.

2. AIMS AND SCOPE OF THIS POLICY

2.1 The aims of this policy are to

- Encourage you to act on concerns about unacceptable practices or behaviour within the Council
- Provide ways for you to raise concerns and receive feedback on any action taken
- Allow you to take the matter further if you are dissatisfied with the Council's response, and
- Reassure you that you will be protected from reprisals or victimisation for whistleblowing in good faith

2.2 It is not possible to provide a complete list of matters which might cause you concern, but examples of what is covered by this policy include the following:

- Fraud, corruption or financial irregularities, such as offering or taking bribes or unauthorised use of public funds
- Unfair discrimination
- Health and safety issues, whether these affect the public or other employees
- Criminal conduct
- Damage to the environment
- Negligence
- Unprofessional behaviour, such as misreporting performance data
- Failure to comply with established standards of practice or Council policy
- Sexual or physical abuse of customers

Your concern may relate to Council employees, contractors, consultants or councillors.

3. SAFEGUARDS

Harassment or victimisation

- 3.1 The decision to report concerns can be a difficult one to make. The Council will provide support for those who do and will not tolerate any harassment or victimisation of whistleblowers. Victimisation of a whistleblower is a serious disciplinary matter, which may lead to dismissal.
- 3.2 This does not mean if you are already the subject of any disciplinary or redundancy procedures, that those procedures will be halted as a result of raising a concern. It should be noted that these arrangements do not guarantee protection for any substantive misconduct which you may be involved in.

Confidentiality

- 3.3 Wherever possible, all concerns raised under this policy will be treated in confidence and your name will not be revealed without your consent, unless this is required by law. It will often be possible to establish the truth about your concern by using other sources of information and the Council will seek to do this if possible without involving you further. However please be aware that:
 - your colleagues may try to guess your identity if they become aware that a concern has been raised; and
 - as any investigation progresses there may be a legal requirement to disclose your identity even if you don't consent to this (for example, under court disclosure rules); and
 - you may be asked to come forward as a witness if the investigation into the concern results in disciplinary action or a criminal prosecution.

If your identity is disclosed, or becomes known, we will take steps to ensure that you are protected and supported. Appropriate and timely action will be taken against anyone who seeks to harass or victimise you because you have raised a concern.

Raising concerns anonymously

- 3.5 The Council encourages you to let us know who you are when you raise your concerns, as allegations expressed anonymously can be less powerful and can be much harder to investigate and verify. However, if you do feel unable to give your name, this should not prevent you from reporting your suspicions. We will still consider your concern, but we will not be able to provide you with any feedback or let you know the outcome of any investigation that takes place.
- 3.6 The Council will not automatically ignore anonymous allegations. When deciding whether and how to respond to such concerns it will take account of factors such as:
 - the seriousness of the issues raised
 - the credibility of the concern; and
 - the likelihood of confirming the allegation from attributable sources.

False Allegations

- 3.7 If your concern is genuinely held and is made in good faith, but is not confirmed by the investigation, you will not suffer as a result. However, disciplinary action may be taken against you by the Council if you make malicious or vexatious allegations.

4. WHO DOES THE POLICY COVER

4.1 Any of the following may raise a concern under this policy:

- All Council employees – including temporary staff
- A trade union on behalf of one or more or its members employed by the Council
- Any agency staff working for the Council
- Anyone not employed by the Council but seconded to it or working as part of a shared service arrangement
- Contractors working for the Council
- Members of the public
- Councillors

4.2 This policy covers any malpractice or wrongdoing by:-

- (a) any employee of the Council
- (b) any Councillor
- (c) any contractor, supplier or consultant of the Council in the course of their work for the Council

5. HOW TO RAISE A CONCERN

5.1 You should normally raise concerns orally or in writing with your immediate manager or their superior. This will depend on who you think is involved in the malpractice and how serious the issues are. If you do not feel that the matter can be resolved by talking to your line manager (for example if you believe that they may be involved or because you have already raised the issue with them but your concern has not been addressed) then you can speak to their manager or raise it with one of the officers listed in paragraph 5.2.

5.2 Advice and guidance on how matters of concern can be pursued can be obtained from any of the following at The Council Offices, Scaitcliffe House, Ormerod Street, Accrington (telephone 01254 388111):

Chief Executive David Welsby Ext 2110

Deputy Chief Executive Joe McIntyre Ext 2683

**Executive Director
(Legal and
Democratic Services)** Jane Ellis Ext 2146

Head of Human Resources Kirsten Burnett **Ext 2694**

Or you may raise your concern with the following at The Town Hall, Broadway, Blackburn Road, Accrington (telephone 01254 388111)

**Head of Audit and
Investigations** Mark Beard Ext 2634

- 5.3 You should let the Council know your concerns as soon as possible and you should not investigate the matter yourself. You should be careful that the individual your concern relates to is not accidentally "tipped off", as incriminating evidence could be removed or destroyed.
- 5.4 You should tell us the history of your concern, giving names, dates and places wherever possible, and the reason why you are particularly concerned about the situation.
- 5.5 You may also get somebody else to raise the concern on your behalf, such as your trade union, legal or professional association representative, or a friend. Such a person may also represent you at any meeting which is held relating to your concern.

6. HOW THE COUNCIL WILL RESPOND

- 6.1 All allegations will be taken seriously by the Council. However, the action taken by the Council will depend on the seriousness of the allegation. **Guidance for managers in dealing with whistleblowing concerns is attached as an appendix to this policy.**
- 6.2 Initially the Council will make inquiries to decide whether an investigation is appropriate and, if so, what form it ought to take. Where your concern falls within the scope of a specific procedure it will normally be referred for consideration under that procedure. Where the concern needs to be referred on to a more specialist function (such as internal audit or health and safety), this will be done as soon as possible. You will be asked whether you want direct contact with that function or would prefer communication to be with your original contact officer.
- 6.3 Some concerns may be resolved by an agreed course of action without the necessity for an investigation. However where an investigation is necessary it may:
 - be investigated internally by the Council
 - be referred to the Police
 - be referred to the Council's External Auditor
 - be referred for an independent inquiry
- 6.4 If you raise concerns under this policy then the Council will write to you within 5 working days:
 - Acknowledging that the concern has been received
 - Summarising the concern you have raised
 - Confirming whether you have raised the concern openly or in confidence
 - Supplying information about the staff support mechanisms available to you
 - Indicating how the Council proposes to deal with the matter
 - Telling you whether any initial enquiries have been made;
 - Offering you the opportunity of a meeting, if appropriate, to fully discuss the issue
 - Telling you whether further investigations will take place, and if not, why not
 - Indicating when the Council hopes to be able to provide you with feedback about the progress of its investigation and the outcome of the investigation
- 6.5 The amount of contact needed between you and the person investigating your concern will depend on the nature of the matters raised, the amount of clarification or further information needed from you and the ease of obtaining independent verification. Where specific enquiries need to be made in the area where the

whistleblower works, you will be forewarned so that you are prepared to answer questions along with everyone else.

- 6.6 If the Council does need to meet with you, you will be contacted to see how this can be done whilst maintaining confidentiality. When any meeting is arranged you have the right to be accompanied by a trade union or professional representative or a friend who does not work in the part of the Council to which the concern relates. The Council will, if you prefer, arrange for the meeting to be held at a location different from your usual place of work.
- 6.7 The Council will try to minimise any difficulties you might have as a result of raising your concern. If you are required to give evidence, for example, the Council will advise you about the procedure and ensure you receive support at court. However, the Council cannot provide legal representation for you.
- 6.8 Providing that there are no legal constraints the Council will let you know the outcome of any investigation, so that you can feel assured that the matter has been properly addressed. Due to the legal obligation of confidentiality we owe to other employees, we may not be able to tell you the outcome of disciplinary action taken against another employee.

7. RAISING YOUR CONCERN OUTSIDE THE COUNCIL

- 7.1 This policy is intended to enable you to raise your concern with the Council and have it dealt with by the Council. However if you are dissatisfied with the outcome of an internal investigation, or if you are unwilling to raise your concerns within the Council or believe that you need independent advice, then you may consider one of the following contact points
 - your local councillor (if you live within the area of the Council)
 - your Trade Union (e.g. Unison whistleblowing hotline 0800 597 9750)
 - any relevant professional body or regulatory organisations
 - your solicitor
 - The Local Government Ombudsman, via their Advice Team between 8.30am and 5.00pm Monday to Friday (telephone 0300 061 0614 or 0845 602 1983) or visit their website at www.lgo.org.uk for concerns about maladministration only
 - The Council's External Auditors – Grant Thornton UK LLP, 4 Hardman Square, Spinningfields, Manchester, M3 3EB, tel: 0161 234 6364.
 - Public Concern at Work, Suite 301, 16 Baldwin Gardens, London EC1N 7RJ – an independent charity specialising in giving confidential advice about the whistleblowing process and your rights. Alternatively you may contact the PCAW advice line between 9.00am and 6.00pm Monday to Friday on 020 7404 6609 or visit their website for further information at www.pcaw.co.uk
 - Lancashire Crimestoppers on 0800 555 111
- 7.2 Lancashire Police on 101
- 7.2 The Department for Business Innovation & Skills also publishes a list of prescribed bodies to whom whistleblowing disclosures can be made. The following list isn't comprehensive, but includes the bodies that might be of relevance to the Council (the full list can be found on the Departments website at www.bis.gov.uk):

Proper conduct of Council business, value for money, fraud and corruption in respect of the provision of public services	The Comptroller and Auditor General National Audit Office 157-197 Buckingham Palace Rd London SW1W 9SP Tel: 020 7798 7999 www.nao.org.uk/contact-us HM Revenue and Customs
UK taxes, national insurance	Freepost NAT22785 Cardiff CF14 5GX Tel: 0800788 887 www.hmrc.gov.uk
Fraud or other misconduct in relation to companies	Intelligence Hub Insolvency Office 3 rd Floor, Cannon House 18 Priory Queensway Birmingham B4 6FD Tel: 0300 678 0017 Intelligence.Live@insolvency.gsi.gov.uk
Charities	Charity Commission Tel: 0300 066 9197 www.charitycommission.gov.uk
Consumer protection, matters about the sale of goods and services that adversely affect consumers	Competition and Markets Authority Victoria House 37 Southampton Row London WC1B 4AD TEL: 020 3738 6000
Data protection and freedom of information	The Information Commissioner's Office Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF Tel: 0303 123 1113 www.ico.gov.uk
Damage to the environment, including pollution and flooding	The Environment Agency National Customer Contact Centre PO Box 544 Rotherham S60 1BY Tel: 03708 506 506 www.environment-agency.gov.uk
Food standards	Food Standards Agency Aviation House 125 Kingsway London WC2B 6NH Tel: 020 7276 8829 helpline@foodstandards.gsi.gov.uk The Health and Safety Executive Tel: 0300 003 1647 www.hse.gov.uk/contact/raising-your-concern
Health and safety	

Trade unions

Certification Officer

22nd Floor, Euston Tower
286 Euston Rd
London NW1 3JJ
Tel: 020 7210 3734
info@certoffice.org

7.3 If you do decide to report your concern outside the Council then you must be sure that you have a good reason for doing so and you should take care not to disclose any confidential information. This is very important as the Public Interest Disclosure Act 1998 does not give you blanket protection if you go public with your concern. For example, you may be subject to disciplinary action if you disclose confidential information in circumstances not covered by the Act.

8. THE RESPONSIBLE OFFICER

8.1 The Executive Director (Legal and Democratic Services), as the Council's Monitoring Officer, has overall responsibility for the maintenance and operation of this policy. She maintains a record of concerns raised and the outcomes (in a form which does not endanger your confidentiality) and will report as necessary to the Council

8.2 All managers must notify the Executive Director (Legal and Democratic Services) if concerns are raised with them that are covered by this Whistleblowing Policy

8.3 The Council's Standards Committee also has a responsibility for reviewing the content and operation of this policy to ensure that this policy reflects best practice. The Standards Committee will make recommendations to the Council's Cabinet if it feels that this policy requires amendment

SUMMARY

Whilst the Council tries to maintain the very highest standards of conduct serious failure, irregularities and wrong doing do occasionally occur. The Council encourages you to expose malpractice and will do what it can to protect you and ensure complaints are properly investigated.

Appendix

Guidance For Managers When Dealing With A Whistleblowing Concern

General responsibilities:

It is the manager's responsibility to:

- Deal with any concerns that are raised with them in accordance with this policy
- Notify the Executive Director (Legal and Democratic Services) of any concerns that are brought to their attention that fall within the remit of this policy
- Ensure that such concerns are treated seriously and are investigated as appropriate
- Ensure that appropriate arrangements are made if an individual wishes to raise a concern in confidence
- Ensure that anyone raising a concern in accordance with this policy has appropriate advice and support, and is protected from reprisal
- Ensure that anyone raising a concern in accordance with this policy receives appropriate feedback about the outcome of any investigation

What do I do when a concern is first raised with me ?

When a concern is raised, listen carefully and avoid pre-judging the issue. You must take all concerns seriously, but it may not be necessary to carry out a formal investigation in each case.

You should establish:

- When the concern first arose and, if relevant, what prompted the decision to report it now
- If the information is first hand or hearsay
- Whether the employee has raised the concern with anyone else and, if so, to what effect.
- Whether the employee is seeking confidentiality
- If the employee is concerned about reprisals
- Whether and when the employee wants feedback

When deciding upon an appropriate course of action, you should consider:

- How serious and urgent the risk is
- Whether the concern falls within the remit of the whistleblowing policy or other procedures. If you are unclear whether it the concern is covered by the Whistleblowing Policy or not, please take advice either from the Head of HR, the Head of Internal Audit or the Executive Director (Legal & Democratic Services).
- Whether you need to refer the concern to a senior manager or specialist function (such as HR, health and safety or internal audit)

Dealing with the concern

If the concern is a whistleblowing matter, You should read the Whistleblowing Policy carefully and familiarise yourself with its requirements. There are a number of possible options available to you, depending on the nature of the case and you can take advice from the officers listed in paragraph 5.2 of this policy if you are uncertain about the most appropriate course of action. In any event, you should document the rational for the approach chosen. For example:

- Explaining the context of an issue to the person raising the concern may be enough to alleviate their concerns;
- You might be able to address minor concerns with straight away as the relevant line manager;
- A review by internal audit as part of planned audit work might be enough to address the issue, for example through a change to the control arrangements;
- There may need to be a formal investigation;
- More complex or significant cases may need to be referred to the police or the Council's external auditors for investigation. If the concern relates to a possible criminal offence, please contact the Head of Internal Audit or the Executive Director (Legal & Democratic Services) as soon as possible and before taking any steps to investigate the concern. They will advise you whether the concern should be passed straight to the police.

Who do I involve ?

If the concern is a whistleblowing matter you should notify the Executive Director (Legal & Democratic Services) as soon as possible. If the concern relates to other employees you should also inform the Head of HR. If the concern relates to financial irregularity you should inform the Head of Internal Audit.

If the issue is sensitive you should keep the number of people involved in conducting any investigation to a minimum.

If you are unsure how to conduct the investigation you should seek advice from the Head of HR, the Head of Internal Audit or the Executive Director (Legal & Democratic Services).

Communication with the whistleblower

You should write to the person raising the concern within 5 working days of the concern being raised. Your letter should address all of the points set out in paragraph 6.4 of the Whistleblowing Policy. You should also:

- ask them to contact you if they have any questions or have any further information about the concern;
- assure them that their confidentiality will be protected as far as possible if they have requested this;
- make it clear that the Council will not tolerate harassment of anyone who raises a concern and ask them to let you know if this happens.

If the person raising the concern has requested confidentiality, any communication with them should be discrete, so as to protect their identity.

You should provide the person raising the concern with appropriate feedback during the course of any investigation if they want this. You won't usually be able to divulge details about the investigation, but you could provide reassurance that the investigation is still ongoing and give an indication of the likely timescale for its completion.

You should provide appropriate feedback following the conclusion of the Council's response to the concern. If the concern has resulted in disciplinary action against other members of staff, you may not be able to give full details to the person raising the concern. In such circumstances you may want to agree the content of your response with the Head of HR.

Confidentiality

Please ensure that you are familiar with the requirements of the Whistleblowing Policy in respect of confidentiality (see paragraph 3.3 of the Policy). There are practical steps you can take to protect the confidentiality of the person raising the concern, such as:

- Ensuring that paper files are clearly marked as confidential and are locked away in a filing cabinet when not in use. Similarly, electronic files can be password protected;
- Ensuring that the minimum number of people have access to the investigation file;
- Being discreet about when and where any meetings are held with the person raising the concern; and
- Ensuring that confidential paperwork isn't left on your desk or on printers or photocopiers.

Formal investigations

If you are conducting a formal investigation:

- Ensure you do not have a conflict of interest
- Record as much detail as possible about the concern and agree this record with the person raising the concern at the outset
- Produce clear terms of reference for your investigation at the outset – be clear about the scope of the investigation ;
- Produce an investigation plan – set out what evidence needs to be gathered and how it will be gathered (e.g. document search, interviews etc.)
- Decide how best to engage with the whistleblower and to manage their expectations
- Ensure that all investigation work is clearly documented - you should keep a written record of the concern, your investigation and your findings

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Agenda Item 5.

REPORT TO:	STANDARDS COMMITTEE	
DATE:	05 October 2015	
PORTFOLIO:	Cllr Gareth Molineux - Resources	
REPORT AUTHOR:	Monica Bell, Senior Democratic Services Officer	
TITLE OF REPORT:	Grant of Dispensations	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable
KEY DECISION:	No	If yes, date of publication:

1. Purpose of Report

1.1 To seek the granting of dispensations to a number of Hyndburn Borough Councillors to vote on certain issues (see Section 3 of the report).

2. Recommendations

2.1 That Standards Committee considers the requests from Hyndburn Borough Council Members to grant dispensations to speak and vote on the issues set out in Section 3.2 of the report.

3. Reasons for Recommendations and Background

3.1 In June 2012, Hyndburn Borough Council adopted a new Code of Conduct following the introduction of the new standards regime under the Localism Act 2011. Unlike the previous code, the new Code does not expressly enable Councillors to speak and vote on a number of specific issues where a large number would have an interest, e.g. setting the Council Tax. Therefore, Standards Committee will need to consider granting dispensations on those issues where legislation does not specifically allow Hyndburn Councillors to speak and vote.

3.2 Hyndburn Councillors Lisa Allen, Loraine Cox, Diane Fielding, Melissa Fisher and Eamonn Higgins have applied individually for dispensation to speak and vote on the following matters and their request forms are attached:-

- An allowance, payment or indemnity given to Members; and
- Ceremonial honours given to Members; and

- Setting Council Tax or a precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation
- Setting a local Council Tax reduction scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation
- Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions, for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation

3.3 A dispensation has already been granted to the remaining 30 Hyndburn Borough Councillors.

3.4 The Government takes the view that a dispensation is unnecessary and that councillors do not have a disclosable pecuniary interest in decisions relating to the setting of council tax levels. The matter has not been decided by a court however and there is scope to argue that Hyndburn Borough Councillors do potentially have a disclosable pecuniary interest when making decisions of this type as they reside in the Borough and would be required to pay any new level of council tax or precept. However, legal grounds exist to grant the requested dispensations pursuant to the Localism Act 2011.

3.5 Standards Committee needs to decide whether to grant dispensations to allow each Councillor to speak and vote on the relevant issues.

3.6 If granted, the dispensation will last for four years. Committee may grant a dispensation to speak only or may grant a dispensation to speak and vote. A dispensation can be granted if Committee is satisfied on any of the following grounds:

- The number of members prevented from speaking or voting would be so great as to “impede the transaction of business”; or
- The political balance at the relevant meeting would otherwise be sufficiently affected as to alter the likely outcome of the vote; or
- The dispensation is in the interests of people living in the area; or
- All the members of the Cabinet are affected by the interest; or
- It is otherwise appropriate to grant the dispensation.

4. Alternative Options considered and Reasons for Rejection

4.1 Not applicable.

5. Consultations

5.1 None required.

6. **Implications**

Financial implications (including any future financial commitments for the Council)	None.
Legal and human rights implications	The legal requirements are discussed in Section 3 above.
Assessment of risk	No risks identified.
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	Not applicable.

7. **Local Government (Access to Information) Act 1985: List of Background Papers**

7.1 None.

8. **Freedom of Information**

8.1 The report does not contain exempt information under the Local Government Act 1972, Schedule 12A and all information can be disclosed under the Freedom of Information Act 2000.

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70 AUG 2015

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Please return to Monica Bell, Senior Democratic Services Officer

As a Councillor of Hyndburn Borough Council, I wish to apply to the Standards Committee for dispensation to speak and vote on the following matters:-

- An allowance, payment or indemnity given to members; and,
- Ceremonial honours given to members; and,
- Setting council tax or a precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation
- Setting a local council tax/reduction scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation
- Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation

Signed: Councillor 

Date: 19/8/15

Please return to Monica Bell, Senior Democratic Services Officer

As a Councillor of Hyndburn Borough Council, I wish to apply to the Standards Committee for dispensation to speak and vote on the following matters:-

- An allowance, payment or indemnity given to members; and,
- Ceremonial honours given to members; and,
- Setting council tax or a precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation
- Setting a local council tax/reduction scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation
- Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation

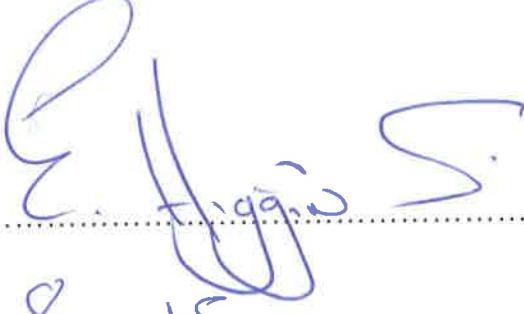
Signed: Councillor *M. G.*

Date: *10/8/15*

Please return to Monica Bell, Senior Democratic Services Officer

As a Councillor of Hyndburn Borough Council, I wish to apply to the Standards Committee for dispensation to speak and vote on the following matters:-

- An allowance, payment or indemnity given to members; and,
- Ceremonial honours given to members; and,
- Setting council tax or a precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation
- Setting a local council tax/reduction scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation
- Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation

Signed: Councillor 

Date: 10.8.15

Please return to Monica Bell, Senior Democratic Services Officer

As a Councillor of Hyndburn Borough Council, I wish to apply to the Standards Committee for dispensation to speak and vote on the following matters:-

- An allowance, payment or indemnity given to members; and,
- Ceremonial honours given to members; and,
- Setting council tax or a precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation
- Setting a local council tax/reduction scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation
- Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation

Signed: Councillor 

Date: 

To: Councillors Lisa Allen, Loraine Cox, Diane Fielding, Melissa Fisher, Eamonn Higgins

24 AUG 2015

Please return to Monica Bell, Senior Democratic Services Officer

As a Councillor of Hyndburn Borough Council, I wish to apply to the Standards Committee for dispensation to speak and vote on the following matters:-

- An allowance, payment or indemnity given to members; and,
- Ceremonial honours given to members; and,
- Setting council tax or a precept under the Local Government and Finance Act 1992 as amended from time to time or any superseding legislation
- Setting a local council tax/reduction scheme for the purposes of the Local Government Finance Act 2012 as amended from time to time or any superseding legislation
- Setting a local scheme for the payment of business rates, including eligibility for rebates and reductions for the purposes of the Local Government Finance Act 2012 as amended from time to time and any superseding legislation

Signed: Councillor

 (D. FIELDING)

Date:

 23/8/15

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