

**NORTHAMPTON BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

Your attendance is requested at a meeting to be held at the The Jeffrey Room, The Guildhall, St. Giles Square, Northampton, NN1 1DE on Monday, 20 March 2017 at 5:00 pm.

**D. Kennedy**  
**Chief Executive**

**AGENDA**

1. APOLOGIES
2. MINUTES  
The Standards Committee to approve the minutes of the meeting held on 19 December 2016.
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
6. TERMS OF REFERENCE FOR THE STANDARDS WORKING GROUP (WORK PLAN)  
Members to consider the draft Terms of Reference for the Standards Working Group (Work Plan).
7. WORK PLAN FOR THE STANDARDS COMMITTEE 2017/2018  
Councillors to consider a Work Plan for the Standards Committee.
8. REVIEW - WHISTLEBLOWING POLICY  
The Standards Committee to consider a draft revised Whistleblowing Policy following the consideration undertaken by the Standards Working Group (Work Plan.) (Copy herewith)
9. PARISH COUNCILLORS AND INDEPENDENT MEMBERS  
Members to consider the process for the recruitment of Parish Council Members and Independent Members of the Standards Committee.
10. TRAINING STRATEGY  
The Standards Committee to consider the report of the Standards Working Group (Work Plan) regarding the Training Strategy for Ethical and Governance Matters.

**Public Participation**

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

11. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

**SUPPLEMENTARY AGENDA**

**Exempted Under Schedule  
12A of L.Govt Act 1972  
Para No:-**

<TRAILER\_SECTION>  
A8175

**Public Participation**

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

## NORTHAMPTON BOROUGH COUNCIL

### STANDARDS COMMITTEE

Monday, 19 December 2016

**PRESENT:** Councillor Suresh Patel (Chair); Councillor Brian Oldham (Deputy Chair);  
Councillors Brian Markham, Les Marriott, Nilesh Parekh, Cathrine Russell  
and Zoe Smith

#### 1. APOLOGIES

There were none.

#### 2. MINUTES

The Chair signed the minutes of the meeting held on 21 December 2015 as a true and accurate record.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

#### 4. DECLARATIONS OF INTEREST

There were none.

#### 5. TRAINING FOR COUNCILLORS - MEMBERS CODE OF CONDUCT AND REGISTER OF INTERESTS

The Standards Committee received an update on recent Councillor training – Members Code of Conduct and Register of Interest.

#### RESOLVED:

That the report is noted.

#### 6. WHISTLEBLOWING POLICY

The Standards Committee received a briefing on the Whistleblowing Policy.

The Committee asked questions, made comment and heard:

- The Whistleblowing Policy is due to be reviewed.
- In response to a query regarding anonymous whistleblowing, the Standards Committee was advised that if the culture of the organisation is right, individuals will put their name to a complaint.
- A Whistleblowing log is kept and the majority of complaints are anonymous. There has been very few over the last year.
- The Standards Committee commented on the use of an external organisation to deal with whistleblowing; acknowledging the success of using an external organisation elsewhere. The Committee felt it was useful for external organisations to deal with whistleblowing.
- It is important for the Standards Committee is involved in the monitoring and review of the Council's Whistleblowing Policy and Procedure

**Resolved:**

That the report is noted.

**7. WORKPLAN FOR THE STANDARDS COMMITTEE**

The Standards Committee was asked to consider adopting a Work Plan for the Standards Committee for 2017/2018.

It was suggested that a Working Group is set up to consider Ethics, Governance and Governance issues for inclusion within the Work Plan. The Working Group would develop the list of suggested issues as presented in the report and add any further items as appropriate. The draft Work Plan would then be presented to the Standards Committee at its meeting on 20 March 2017 for approval.

Membership of the Working Group (*Work Plan for the Standards Committee*) would comprise Councillors Patel, Oldham, B Markham and Smith.

**Resolved:**

The Working Group (*Work Plan for the Standards Committee*) to develop a draft Work Plan for the Standards Committee and present it to the meeting of the Standards Committee on 20 March 2017 for approval.

**8. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED**

There were none.

The meeting concluded at 5:27 pm

Appendices: 1



## STANDARDS COMMITTEE REPORT

<b>Report Title</b>	<b>Standards Working Group (Work Plan) – Terms of Reference</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	20 March 2017
<b>Policy Document:</b>	No
<b>Directorate:</b>	Borough Secretary and Monitoring Officer

### 1. Purpose

1.1 The purpose of the report is to present the draft Terms of Reference of the Standards Working Group (Work Plan) for the Committee’s approval.

### 2. Recommendations

2.2 To approve the Terms of Reference of the Standards Working Group (Work Plan) at Appendix 1.

### 3. Issues and Choices

#### 3.1 Report Background and Issues

3.1.1 At its meeting held on 19 December 2016, the Standards Committee set up a Working Group to put together a draft Work Plan for the Standards Committee for 2017/2018. The Working Group consists of Councillors, Patel, Oldham, Smith and B. Markham. The establishment of a Work Plan will ensure that the Committee can meet all of its responsibilities and obligations during the year. It is seen as good practice for the Standards Committee to produce an annual Work Plan.

3.1.2 The Standards Working Group, at its meeting on 19 January 2017, considered draft Terms of Reference for the Working Group, and provided comment and suggestions. In the objectives of the draft Terms of Reference, it is stated that the Working Group will action items on the Work Plan, as necessary, prior to, or following, their consideration by the Standards Committee; this will include carrying out reviews and commenting on draft Strategies, Policies, Codes and

other Council documents and processes that are within the remit of the Standards Committee.

3.1.3 Following approval of the Terms of Reference, the Working Group can then embark upon the work that it has been commissioned by the Standards Committee to undertake.

3.1.4 Appended to this briefing note are draft Terms of Reference for the Standards Working Group (Work Plan) for the Standards Committee's consideration and comment.

### **3.2 Choices**

3.2.1 Members are asked to approve the Terms of Reference for the Standards Working Group (Work Plan) at Appendix 1 of this report.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 This report does not have any direct policy implications.

### **4.2 Resources and Risk**

4.2.1 This report does not have any direct resource implications.

### **4.3 Legal**

4.3.1 The legal framework for registering and declaring interests is identified in the body of the report.

### **4.4 Equality**

4.4.1 There are no direct equality and diversity implications arising from this report.

### **4.5 Consultees (Internal and External)**

4.5.1 Not applicable.

### **4.6 Other Implications**

4.6.1 None.

## **5. Background Papers**

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5.1 Report and Appendix – Terms of Reference, Standards Working Group (Work Plan) - 19 January 2017

**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**



## **DRAFT VERSION**

### **STANDARDS WORKING GROUP – WORKPLAN**

#### **TERMS OF REFERENCE**

##### **1. Purpose/Objectives of the Working Group**

- To produce a draft Work Plan for the Standards Committee for the Municipal Year 2017/2018 for the approval of the Standards Committee.
- To suggest items for inclusion on the agenda of meetings of the Standards Committee, based on the content of the Work Plan.
- To action items on the Work Plan, as necessary, prior to, or following, their consideration by the Standards Committee; this will include carrying out reviews, commenting on draft Strategies, Policies, Codes and other Council documents within the remit of the Standards Committee.

##### **2. Outcomes Required**

- The production of a draft Work Plan for the Standards Committee for 2017/18.
- Action items on the Work Plan prior to, or following, consideration by the Standards Committee.
- Issues detailed on the Work Plan are presented to the appropriate meetings of the Standard Committee.

##### **3. Information Required**

- Background data
- Background reports
- Best practice data
- Desktop research (if applicable)

##### **4. Format of Information**

- Background data, including:
  - Relevant national and local background research reports and other papers
  - Relevant Council Policies and Strategies

- Relevant Legislation
- Draft Policies, Strategies, Codes and Plans for the Working Group's input
- Details of best practice external to Northampton, as applicable

## **5. Membership and Quorum of the Working Group**

- The Working Group comprises four members from the Standards Committee: Councillors Patel, B Markham, Oldham and Smith
- The quorum of the Working Group is three members of the Working Group

## **6. Co-options to the Working Group**

- None

## **7. Community Impact Screening Assessment**

- A Community Impact Screening Assessment to be undertaken on the scope of the work of the Standards Working Group (Work Plan)

## **8. Work Timetable**

- January 2017 – December 2017.  
Meetings to commence at 5.00 pm
- Additional meetings will be scheduled as required.

## **9. Responsible Officers**

Francis Fernandes, Borough Secretary and Monitoring Officer, Marianne McCarthy, Solicitor, and Tracy Tiff, Scrutiny Officer

## **10. Resources and Budgets**

Francis Fernandes, Borough Secretary and Monitoring Officer, Marianne McCarthy, Solicitor, and Tracy Tiff, Scrutiny Officer, to provide internal advice, briefing notes and draft reports, Policies, Strategies and Plans to the meetings of the Working Group.



Appendices: 1



**NORTHAMPTON**  
BOROUGH COUNCIL

## STANDARDS COMMITTEE REPORT

<b>Report Title</b>	<b>Work Plan 2017/2018 for the Standards Committee</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	20 March 2017
<b>Policy Document:</b>	No
<b>Directorate:</b>	Borough Secretary and Monitoring Officer

### 1. Purpose

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- 1.1 The purpose of the report is to present the draft 2017/2018 Standards Committee Work Plan to the Committee for its consideration and approval.

### 2. Recommendations

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- 2.1 To approve the draft 2017/2018 Standards Committee Work Plan at Appendix 1.
- 2.2 To ask the Working Group, *Work Plan* to commence work in accordance with their Terms of Reference on the items identified on the Work Plan at Appendix 1 as requiring Working Group input and bring such items to the Standards Committee for consideration and decision as required.

### 3. Issues and Choices

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#### 3.1 Report Background and Issues

- 3.1.1 At its meeting held on 19 December 2016, the Standards Committee set up a Working Group to put together a draft Work Plan for the Standards Committee for 2017/2018. The Working Group consists of Councillors Patel, Oldham, Smith and B Markham. The establishment of a Work Plan will ensure that the Committee can meet all of its responsibilities and obligations during the year. It is seen as good practice for the Standards Committee to produce an annual Work Plan.

- 3.1.2 The Standards Working Group, at its meeting on 19 January 2017 considered the draft 2017/2018 Work Plan for the Standards Committee that includes a number of issues and priorities for the Committee to address over the course of the year. The Working Group provided comment and suggestions on the draft 2017/2018 Work Plan and agreed that the draft at Appendix 1 would be presented to the Standards Committee at its meeting on 20 March 2017 for approval.
- 3.1.3 Following approval of the Work Plan, work for the Standards Committee can be programmed in for the year.
- 3.1.4 The approval of a Work Plan for the Standards Committee will not affect the responsibility or discretion of the Committee during the year, as the Committee can, at subsequent meetings, agree to update the Work Plan, if necessary.

## **3.2 Choices**

- 3.2.1 Members are asked to approve the draft 2017/2018 Standards Committee Work Plan at Appendix 1 of this report.
- 3.2.2 Members are recommended to ask the Working Group, *Work Plan* to commence work in accordance with their Terms of Reference on the items identified on the Work Plan at Appendix 1 as requiring Working Group input, and bring such items to the Standards Committee for consideration and decision as required.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 This report does not have any direct policy implications.

### **4.2 Resources and Risk**

- 4.2.1 This report does not have any direct resource implications.

### **4.3 Legal**

- 4.3.1 There are no legal implications arising directly from this report.

### **4.4 Equality**

- 4.4.1 There are no direct equality and diversity implications arising from this report.

### **4.5 Consultees (Internal and External)**

- 4.5.1 Not applicable.

### **4.6 Other Implications**

4.6.1 None.

## **5. Background Papers**

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5.1 Report and Appendix – Draft Work Plan 2017/2018 for the Standards Committee, Standards Working Group (Work Plan) - 19 January 2017.

**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**



NORTHAMPTON  
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**NORTHAMPTON BOROUGH COUNCIL  
STANDARDS COMMITTEE – WORK PLAN 2017/2018**

**DRAFT VERSION**

<b>Topic Area</b>	<b>Rationale</b>	<b>Responsibility</b>	<b>Anticipated Meeting Date (s) of Standards Committee</b>
<b>Work Plan 2017/2018 for the Standards Committee</b>	To approve the Work Plan 2017/2018 for the Standards Committee	<b>Standards Working Group The Standards Committee</b>	<b>March 2017</b>
<b>Register of Interests and Gifts and Hospitality (Members and Officers)</b>	To consider and review the types of interests that Members and Officers are required to declare; the way such declarations are made and how they are monitored by the Standards Committee.	<b>Standards Working Group The Standards Committee</b>	<b>June 2017</b>
<b>Code of Conduct and arrangements for investigating alleged breaches</b>	To review and update, as necessary, the Code of Conduct and Arrangements for investigating alleged breaches	<b>Standards Working Group The Standards Committee</b>	<b>September 2017</b>



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**NORTHAMPTON BOROUGH COUNCIL  
STANDARDS COMMITTEE – WORK PLAN 2017/2018**

**DRAFT VERSION**

<b>Topic Area</b>	<b>Rationale</b>	<b>Responsibility</b>	<b>Anticipated meeting date (s)</b>
<b>Organisational Ethics and Culture</b>	To receive an update on the Organisational Change Programme and to comment and input into that Programme into Ethical Conduct Matters.	<b>Standards Working Group</b> <b>The Standards Committee</b>	<b>As appropriate</b>
<b>Parish Councillors and Independent Members</b>	To approve the process for the recruitment of Parish Council Members and Independent Members of the Standards Committee  Involvement in the recruitment process as required.  To approve the appointment of Parish Councillors and Independent Members to the Standards Committee	<b>The Standards Committee</b>  <b>Standards Working Group</b>  <b>The Standards Committee</b>	<b>March 2017</b>    <b>June 2017</b>
<b>Training Strategy</b>	To develop and approve the Training Strategy for all Members of the Council in relation to ethical and governance matters and to include specific training for Members of the Standards Committee.	<b>The Standards Committee</b>  <b>Standards Working Group</b>	<b>March 2017</b>



NORTHAMPTON  
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**NORTHAMPTON BOROUGH COUNCIL  
STANDARDS COMMITTEE – WORK PLAN 2017/2018**

**DRAFT VERSION**

<b>Topic Area</b>	<b>Rationale</b>	<b>Responsibility</b>	<b>Anticipated Meeting date (s)</b>
<b>Communications Strategy</b> 2017/18	To develop and approve a Communications Strategy to promote the work of the Standards Committee and the importance of ethical governance.	<b>Standards Working Group</b> <b>The Standards Committee</b>	<b>September 2017</b>
<b>Whistleblowing Policy</b>	To input into the refresh of the Council's Whistleblowing Policy and Procedure and its implementation.	<b>The Standards Committee</b> <b>Standards Working Group</b>	<b>March 2017</b>
<b>CIPFA International Framework: Good Governance in the Public Sector</b>	The Committee to receive briefings on the CIPFA International Framework: Good Governance in the Public Sector in so far as it relates to the work of the Standards Committee.	<b>The Standards Committee</b>	<b>As required</b>



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**NORTHAMPTON BOROUGH COUNCIL  
STANDARDS COMMITTEE – WORK PLAN 2017/2018**

**DRAFT VERSION**

<b>Topic Area</b>	<b>Rationale</b>	<b>Responsibility</b>	<b>Anticipated Meeting date (s)</b>
<b>Ethical and Governance Matters Training</b>	To receive a briefing on training that has taken place for all Members on ethical and governance matters	<b>The Standards Committee</b>	<b>March 2018</b>
<b>Annual Report of the Standards Committee</b>	To receive the Annual Report of the Standards Committee 2017/2018 to include update about delivery of the Work Plan and monitoring data	<b>The Standards Committee</b>	<b>March 2018</b>
<b>Work Plan 2018/2019 for the Standards Committee</b>	To approve the Work Plan 2018/2019 for the Standards Committee	<b>Standards Working Group</b> <b>The Standards Committee</b>	<b>March 2018</b>

**NB:** The approval of a Work Plan for the Standards Committee will not affect the responsibility or discretion of the Committee during the year, as the Committee can, at subsequent meetings, agree to update the Work Plan, if it is necessary to do so.

Appendices: 1



## STANDARDS COMMITTEE REPORT

<b>Report Title</b>	<b>Review - the Whistleblowing Policy.</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	20 March 2017
<b>Policy Document:</b>	Yes
<b>Directorate:</b>	Borough Secretary and Monitoring Officer

### 1. Purpose

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1.1 The purpose of the report is to present a draft Whistleblowing Policy to the Standards Committee.

### 2. Recommendations

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It is recommended that the Standards Committee:

- 2.1 recommend to Cabinet that the Council retain an external provider to operate an external whistleblowing hotline for the Council;
- 2.2 recommend the draft Whistleblowing Policy and Procedure attached at Appendix 1 to Cabinet for approval; and
- 2.3 recommend to Cabinet that upon adoption of a new Whistleblowing Policy and Procedure, training on whistleblowing is provided to Councillors and Council staff, alongside a campaign to raise awareness of whistleblowing arrangements.

### 3. Issues and Choices

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#### 3.1 Report Background

3.1.1 The Council currently has a Whistleblowing Policy in place as part of its overall Anti-Fraud and Corruption Policy and Strategy.



- 3.1.2 Whistleblowing refers to the act of reporting or exposing wrongdoing either internally, within the organisation, or externally, for example to a regulator.
- 3.1.3 The purpose of the Council's Whistleblowing Policy is to enable those who work for the Council to disclose allegations of malpractice and be confident that the matter will be effectively investigated and that they will not be left vulnerable to any form of victimisation, or be subject to reprisal as a result of "blowing the whistle".
- 3.1.4 The following lists examples of types of malpractice that might be reported/disclosed under the Council's Whistleblowing Policy:
- Conduct which is a criminal offence or a breach of law
  - Dangerous procedures risking the health, safety or welfare of other employees or members of the public
  - Damage to the environment
  - Unauthorised use of public funds
  - Fraud or corruption
  - Sexual or physical abuse of clients
  - Disclosures related to miscarriages of justice
  - Other unethical conduct
- 3.1.5 Whistleblowing is an important aspect of good governance within organisations. Maintaining an effective Whistleblowing Policy contributes to an organisational environment where the prevention of fraud and malpractice is encouraged and where its detection is promoted.
- 3.1.6 A full review of the Whistleblowing Policy is being undertaken as part of the implementation of the Council's Governance Action Plan (that was considered by Audit Committee on 5th December 2016).
- 3.1.7 At its meeting in December 2016, the Standards Committee considered an update report on the Council's Whistleblowing Policy.
- 3.1.8 At its December 2016 meeting, the Standards Committee established a Working Group to prepare a draft Work Plan for the Committee. In accordance with the draft Work Plan for the Standards Committee, the Committee is to participate in the refresh of the Council's Whistleblowing Policy and Procedure and its implementation.
- 3.1.9 The Working Group (Work Plan) has commenced work in relation to the Whistleblowing Policy. The Working Group (which comprises of Councillors Patel, Oldham, Smith and B. Markham) met on 2<sup>nd</sup> March 2017 and considered the broad principles of the draft Whistleblowing Policy attached at Appendix 1. The Working Group also considered in detail the principle of the Council having an external whistleblowing hotline.
- 3.1.10 Organisations sometimes provide the option for their staff to blow the whistle to an external provider, in addition to the ordinary routes for whistleblowing disclosures to be made within the organisation. The draft Whistleblowing Policy at Appendix 1 includes the provision of an external whistleblowing

hotline. The Council's current Whistleblowing Policy does not include an external hotline.

3.1.11 The draft Whistleblowing Policy encourages staff to raise any concerns they may have through standard Line Management initially, to allow those in positions of responsibility to address the issue and seek an explanation for the behaviour or activity. The draft Policy states that if the individual with the concern does not feel that Managers within their area have addressed the concern, or they prefer not to raise it with their own managers for any reason, they can also contact either the Monitoring Officer, the Chief Executive or the confidential external whistleblowing hotline.

3.1.12 The detail of how an external provider would work, would need to be worked out as part of a procurement process if Cabinet ultimately decide to agree to the use of an external whistleblowing hotline as part of the Council's whistleblowing arrangements. However, in terms of the broad principles, the draft Policy does not envisage the external whistleblowing hotline provider dealing with or investigating the subject of any disclosures. It is anticipated that an external provider would receive and log any disclosures made and report them back into the relevant part of the Council, taking into account any potential conflicts of interest arising from the subject matter of the disclosure.

3.1.13 There are a number of potential advantages of using an external whistleblowing hotline in addition to the Council's ordinary whistleblowing routes. For example:

- People who work for an external hotline who are trained in talking to individuals who may want to make a disclosure can build rapport with those individuals and successfully gather relevant information.
- Hotline can be covered outside of ordinary office hours.
- The existence of an external hotline can assist in allaying any suspicions that staff may have about how the organisation treats whistleblowing and can demonstrate that the organisation is completely committed to hearing any concerns that its staff may have.
- It can provide an alternative route for staff who do not wish to use internal reporting options, but does not need to replace the existence of those internal reporting options.
- Generally, being able to report to an external whistleblowing hotline may lead to a more positive perception by Council staff of whistleblowing arrangements and lead to a higher number of reports being made. (If an organisation receives a very low number of disclosures or no disclosures, this could indicate a lack of confidence in the organisation's whistleblowing arrangements rather than indicating that there are no matters of concern within the organisation).

3.1.14 The Standards Working Group, at its meeting on 2<sup>nd</sup> March 2017 considered the broad principles of the draft Policy at Appendix 1 and agreed that:

- officers should further investigate the provision of an external organisation to provide a confidential hotline as part of the Whistleblowing Policy; and
- the draft Policy be presented to this meeting of the Standards Committee for its consideration.

3.1.15 The Standards Working Group discussed the importance of training to ensure that all Councillors and staff are aware of the Council's whistleblowing arrangements. When a revised Whistleblowing Policy is formally adopted by the Council, it will be important to ensure that there is a campaign to raise awareness of the Policy and Procedure and ensure that training takes place.

## **3.2 Choices**

3.2.1 It is therefore recommended that Standards Committee:

- a) recommend to Cabinet that the Council retain an external provider to operate an external whistleblowing hotline for the Council;
- b) recommend the draft Whistleblowing Policy and Procedure attached at Appendix 1 to Cabinet for approval; and
- c) recommend to Cabinet that upon adoption of a new Whistleblowing Policy and Procedure, training on whistleblowing is provided to Councillors and Council staff, alongside a campaign to raise awareness of whistleblowing arrangements.

3.2.2 Standards Committee could choose not to recommend the introduction of an external whistleblowing hotline. However, introducing an external whistleblowing hotline would be a strengthening of the Council's governance processes for the reasons set out in this Report, and would therefore contribute to the overall objective of the Council's Governance Action Plan.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 If the recommendations in this Report are accepted, Standards Committee will recommend that Cabinet adopt a revised Whistleblowing Policy and Procedure to replace the current Policy.

### **4.2 Resources and Risk**

4.2.1 This report does not have any direct resource implications. There are indirect resource implications. If recommendations are made by Standards Committee to Cabinet to adopt the draft Whistleblowing Policy at Appendix 1, this will require Cabinet's approval of expenditure on retaining an external company to operate a whistleblowing hotline for the Council.

### **4.3 Legal**

4.3.1 The law on whistleblowing is contained in the Employment Rights Act 1996 ('ERA') as amended by the Public Interest Disclosure Act 1998 ('PIDA'). The ERA was amended by PIDA to introduce protection for workers (including employees) who "blow the whistle" on wrongdoing at work. Workers have a right not to be dismissed or suffer detriment at work as a consequence of making a "protected disclosure".

#### **4.4 Equality**

4.4.1 Full regard will to be had to equality and diversity considerations in the implementation of a revised Whistleblowing Policy and any associated awareness raising campaign.

#### **4.5 Consultees (Internal and External)**

4.5.1 Not applicable.

#### **4.6 Other Implications**

4.6.1 None.

### **5. Background Papers**

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**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**



**NORTHAMPTON**  
**BOROUGH COUNCIL**

**WHISTLEBLOWING  
POLICY AND PROCEDURE**

**[ ] 2017**

## **1. ABOUT THIS POLICY AND POLICY STATEMENT**

- 1.1 The Council is committed to conducting its functions with honesty and integrity. This Policy forms part of the Council's Anti-Fraud and Corruption Strategy and is intended to provide an effective means of confidential reporting and detection.
- 1.2 It is the Council's expectation that Members and employees will lead by example, acting in a proper manner at all times and abiding by the procedures, rules and safeguards put in place to protect the interests of the Council and those it serves. This expectation extends to contractors, suppliers and other external agencies with which the Council deals, and any failures by such agencies to meet the standards required by the Council in this respect will be dealt with in a rigorous manner.
- 1.3 However, all organisations face the risk of things going wrong from time to time, or of unknowingly harbouring illegal or unethical conduct. A culture of openness and accountability is essential in order to prevent such situations occurring and to address them when they do occur.
- 1.4 The aims of this Policy are:
- (a) To encourage staff to report suspected wrongdoing as soon as possible, in the knowledge that their concerns will be taken seriously and investigated as appropriate, and that their confidentiality will be respected.
  - (b) To provide staff with guidance as to how to raise those concerns.
  - (c) To reassure staff that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- 1.5 This Policy covers all employees, officers, consultants, contractors, volunteers, casual workers and agency workers.
- 1.6 This Policy does not form part of any employee's contract of employment and we may amend it at any time.

## **2. OFFICERS RESPONSIBLE FOR THE POLICY**

- 2.1 The Monitoring Officer has day-to-day operational responsibility for this Policy.
- 2.2 The Monitoring Officer, should review this Policy from a legal and operational perspective at least once a year.
- 2.3 All staff are responsible for the success of this Policy and should ensure that they use it to disclose any suspected danger or wrongdoing. Staff are invited to comment on this Policy and suggest ways in which it might be improved. Comments, suggestions and queries should be addressed to the Monitoring Officer.

### 3. WHAT IS WHISTLEBLOWING?

3.1 **Whistleblowing** is the disclosure of information which relates to suspected wrongdoing or dangers at work. This may include:

- (a) criminal activity;
- (b) failure to comply with any legal or professional obligation or regulatory requirements;
- (c) miscarriages of justice;
- (d) danger to health and safety or welfare of other staff or members of the public;
- (e) damage to the environment;
- (f) bribery under the Anti-Fraud and Corruption Policy and Strategy;
- (g) financial fraud or mismanagement;
- (h) unauthorised use of public funds
- (i) breach of the Council's internal policies and procedures including the Employees' Code of Conduct;
- (j) conduct likely to damage the Council's reputation;
- (k) unauthorised disclosure of confidential or exempt information;
- (l) negligence;
- (m) sexual or physical abuse of Council clients/customers;
- (n) other unethical behaviour
- (o) the deliberate concealment of any of the above matters.

3.2 A **whistleblower** is a person who raises a genuine concern relating to any of the above. If you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Council's activities (a **whistleblowing concern**) you should report it under this Policy.

3.3 This Policy should not be used for complaints relating to your own personal circumstances, such as the way you have been treated at work. In those cases you should use the Grievance Resolution Procedure or the Dignity at Work Framework as appropriate.

3.4 This Policy should not be used in cases where there has been a failure of service delivery, which should be dealt with using the Council's standard Complaints Procedure.

3.5 If you are uncertain whether something is within the scope of this Policy you should seek advice from the Monitoring Officer, whose contact details are at the end of this Policy.

#### **4. RAISING A WHISTLEBLOWING CONCERN**

- 4.1 As a first step, the Council encourages you to raise concerns through standard line management with your Line Manager or your Head of Service or Director, to allow those in positions of responsibility and authority an opportunity to address the issue and seek an explanation for the behaviour or activity. You may tell them in person or put the matter in writing if you prefer. They may be able to agree a way of resolving your concern quickly and effectively. In some cases they may refer the matter to the Monitoring Officer.
- 4.2 However, where the matter is more serious, or you feel that your Line Manager or other managers within your area have not addressed your concern, or you prefer not to raise it with them for any reason, you should contact one of the following:
- (a) the Monitoring Officer, Francis Fernandes;
  - (b) the Council's Chief Executive; David Kennedy; or
  - (c) the confidential external telephone whistleblowing hotline.

Contact details are set out at the end of this Policy.

- 4.3 Concerns raised under this Policy should, where possible, be submitted in writing, setting out the background, giving names, dates and places, and the reason why you are concerned about the situation. Individuals who do not feel able to put their concerns in writing can telephone the Monitoring Officer who will take down a written summary of your concern. The Monitoring Officer can be contacted on his office extension number. Alternatively, he can be contacted on the **internal** confidential whistleblowing hotline.

#### **5. CONFIDENTIALITY**

- 5.1 The Council hopes that staff will feel able to voice whistleblowing concerns openly under this Policy. However, if you want to raise your concern confidentially, we will make every effort to keep your identity secret. If it is necessary for anyone investigating your concern to know your identity, we will discuss this with you.
- 5.2 The Council does not encourage staff to make disclosures anonymously. Proper investigation may be more difficult or impossible if we cannot obtain further information from you. It is also more difficult to establish whether any allegations are credible. Whistleblowers who are concerned about possible reprisals if their identity is revealed should come forward to the Monitoring Officer and appropriate measures can then be taken to preserve confidentiality. If you are in any doubt you can seek advice from Public Concern at Work, the independent whistleblowing charity, who offer a confidential helpline. Their contact details are at the end of this Policy.



## **6. COUNCIL RESPONSE TO A WHISTLEBLOWING CONCERN**

- 6.1 Once you have raised a concern, we will carry out an initial assessment to determine the scope of any investigation.
- 6.2 Assuming you have not reported the matter anonymously or have not requested an external agency to withhold your name from the Borough Council, we will provide written confirmation that details of your concern have been received within ten working days of receipt. You will be advised as to:
- whether or not further information is required from you and whether you may be required to attend meetings to provide additional information;
  - how the Council proposes to deal with the matter;
  - whether any initial enquiries have been made;
  - whether further investigations will take place and, if not, why not.
- 6.3 In some cases, we may appoint an investigator or team of investigators including staff with relevant experience of investigations or specialist knowledge of the subject matter. The investigator(s) may make recommendations for change to enable us to minimise the risk of future wrongdoing.
- 6.4 The amount of contact you might expect to have with the person(s) considering the issues will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided.
- 6.5 Where you are required to attend a meeting or interview this can be arranged away from your workplace if you wish and you may be accompanied by your trade union or professional association representative, colleague or friend. Your companion must respect the confidentiality of your disclosure and any subsequent investigation.
- 6.6 In the event that you are required to give evidence in any disciplinary or criminal proceedings you will be given advice about the procedure.
- 6.7 We will aim to keep you informed of the progress of the investigation and its likely timescale. However, sometimes legal constraints or the need for confidentiality may prevent us giving you specific details of the investigation or any disciplinary action taken as a result. You should treat any information about the investigation as confidential.
- 6.8 If we conclude that a whistleblower has made false allegations maliciously or with a view to personal gain, the whistleblower will be subject to disciplinary action.

## **7. IF YOU ARE NOT SATISFIED**

- 7.1 While we cannot always guarantee the outcome you are seeking, we will try to deal with your concern fairly and in an appropriate way. By using this Policy you can help us to achieve this.

7.2 If you are not happy with the way in which your concern has been handled, you can raise it with the Council's Chief Executive. Contact details are set out at the end of this Policy.

## **8. EXTERNAL DISCLOSURES**

8.1 The aim of this policy is to provide an internal mechanism for reporting, investigating and remedying any wrongdoing in the workplace. In most cases you should not find it necessary to alert anyone externally.

8.2 The law recognises that in some circumstances it may be appropriate for you to report your concerns to an external body such as a regulator. It will very rarely if ever be appropriate to alert the media. We strongly encourage you to seek advice before reporting a concern to anyone external. The independent whistleblowing charity, Public Concern at Work, operates a confidential helpline. They also have a list of prescribed regulators for reporting certain types of concern. Their contact details are at the end of this Policy.

8.3 Whistleblowing concerns usually relate to the conduct of our staff, but they may sometimes relate to the actions of a third party, such as a supplier or service provider. In some circumstances the law will protect you if you raise the matter with the third party directly. However, we encourage you to report such concerns internally first. You should contact your line manager or the Monitoring Officer for guidance.

## **9. PROTECTION AND SUPPORT FOR WHISTLEBLOWERS**

9.1 It is understandable that whistleblowers are sometimes worried about possible repercussions. We aim to encourage openness and will support staff who raise genuine concerns under this Policy, even if they turn out to be mistaken.

9.2 Whistleblowers must not suffer any detrimental treatment as a result of raising a concern. Detrimental treatment includes dismissal, disciplinary action, threats or other unfavourable treatment connected with raising a concern. If you believe that you have suffered any such treatment, you should inform the Monitoring Officer immediately. If the matter is not remedied you should raise it formally using our Grievance Procedure.

9.3 You must not threaten or retaliate against whistleblowers in any way. If you are involved in such conduct you may be subject to disciplinary action.

## **10. WHISTLEBLOWING BY MEMBERS OF THE PUBLIC**

If you are not a Council employee you can still contact the Council to report any concerns or disclosures over wrongdoing and the Council will follow the same or a similar process to that set out in this Policy. The protections available under the Public Interest Disclosure Act 1998, in certain circumstances to employees who have made a

whistleblowing disclosure, do not extend to disclosures made by members of the public.

## 11. MONITORING

The Monitoring Officer will regularly review the effectiveness of the Council's Whistleblowing Policy and engage elected Members in this process in accordance with the Council's governance framework.

## 12. CONTACTS

<b>Monitoring Officer</b>	Francis Fernandes 01604 837334 <a href="mailto:ffernandes@northampton.gov.uk">ffernandes@northampton.gov.uk</a>
<b>Monitoring Officer's internal confidential Whistleblowing Hotline</b>	07900 052789
<b>Chief Executive</b>	David Kennedy 01604 837726 <a href="mailto:dkennedy@northampton.gov.uk">dkennedy@northampton.gov.uk</a>
<b>[External Whistleblowing hotline]</b> <i>[insert hours of operation]</i>	<i>[insert Company name and contact details]</i>
<b>Public Concern at Work</b> (Independent whistleblowing charity)	Helpline: (020) 7404 6609 E-mail: <a href="mailto:whistle@pcaw.org.uk">whistle@pcaw.org.uk</a> Website: <a href="http://www.pcaw.org.uk">www.pcaw.org.uk</a>

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**NORTHAMPTON**  
BOROUGH COUNCIL

## STANDARDS COMMITTEE REPORT

<b>Report Title</b>	<b>Recruitment of Parish Councillors and Independent Members to the Standards Committee</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	20 March 2017
<b>Policy Document:</b>	No
<b>Directorate:</b>	Borough Secretary and Monitoring Officer

### 1. Purpose

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- 1.1 The purpose of the report is to ask the Standards Committee to consider the need to recruit Independent Members and Parish Council Members for appointment to the Standards Committee.

### 2. Recommendations

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- 2.1 It is recommended that the Standards Committee instruct the Working Group, *Work Plan* to:
- a) devise and conduct a process for the recruitment of two Parish Councillors and two Independent Members to be recommended for co-option onto the Standards Committee; and
  - b) following conclusion of the process, bring recommendations to the Standards Committee for appointments by co-option of Parish Council Members and Independent Members of the Standards Committee.

### 3. Issues and Choices

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#### 3.1 Report Background and Issues

- 3.1.1 The Terms of Reference of the Standards Committee set out in Article 10 of the Council's Constitution state:

*The Standards Committee will be composed of 9 Councillors. In addition the Standards Committee shall appoint:*

- *such Independent Members as the Committee considers appropriate. The Independent Members shall not have the right to vote;*
- *two Parish Council Members without the right to vote.*

3.1.2 The Terms of Reference also provide for the Standards Committee to establish a Hearings Panel. The Hearings Panel would be convened on an ad hoc basis where a Code of Conduct complaint against a Councillor (Borough or Parish) had progressed through the process to the stage where it becomes necessary to determine whether a Councillor has failed to comply with the Code of Conduct. If the complaint in question was about a Parish Councillor, one of the two Parish Council Members of the Standards Committee would be an additional member of the Hearings Panel.

3.1.3 There are currently two vacancies on the Committee for Parish Council Members.

3.1.4 There are currently two vacancies on the Committee for Independent Members.

3.1.5 The Independent Members who are appointed to the Standards Committee are different from the statutory Independent Persons appointed by Full Council pursuant to the Localism Act 2011. The ability to co-opt Independent Members onto the Standards Committee is something that the Council has chosen to do. The purpose of having co-opted Independent Members on the Standards Committee is to bring external, independent views onto the Committee. By contrast, the statutory Independent Persons are not members of the Standards Committee. The statutory Independent Persons have specific roles in relation to standards case work (ie. where complaints are received by the Monitoring Officer that a Borough Councillor or Parish Councillor has breached the Code of Conduct).

3.1.6 As the Standards Committee commences work on the matters set out in its Work Plan for 2017/18, it will become increasingly important that the Committee has full membership. Although Parish Councillors and Independent Members on the Committee will not have the right to vote, they will bring valuable, external views and knowledge to the Committee.

3.1.7 It will be important for the Work Group to ensure that it carries out a process that communicates widely in advertising these vacancies to ensure a sufficient range and number of potential applicants are reached. The Standards Committee Work Plan anticipates that the Standards Committee will be in a position to make appointments at its next meeting in June 2017. This will depend on the success of the recruitment process.

## **3.2 Choices**

3.2.1 It is recommended that the Standards Committee instruct the Working Group, *Work Plan* to:

- a) devise and conduct a process for the recruitment of two Parish Councillors and two Independent Members to be recommended for co-option onto the Standards Committee; and
- b) following conclusion of the process, bring recommendations to the Standards Committee for appointments by co-option of Parish Council Members and Independent Members of the Standards Committee.

3.2.2 The alternative is to leave the Committee without Parish and Independent Members. This is not recommended.

#### **4. Implications (including financial implications)**

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##### **4.1 Policy**

4.1.1 This report does not have any direct policy implications.

##### **4.2 Resources and Risk**

4.2.1 This report does not have any direct resource implications.

##### **4.3 Legal**

4.3.1 There are no legal implications arising directly from this report.

##### **4.4 Equality**

4.4.1 There are no direct equality and diversity implications arising from this report. Any process used to select individuals for recommendation to the Standards Committee in the event that there are a number of expressions of interest to become wither a Parish Council Member of Independent Member of the Committee, will have due regard to equality and diversity implications.

##### **4.5 Consultees (Internal and External)**

4.5.1 Not applicable.

##### **4.6 Other Implications**

4.6.1 None.

#### **5. Background Papers**

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5.1 Report - Parish Councillors and Independent Members to the Standards Committee – December 2015

**Francis Fernandes  
Borough Secretary**

Appendices: 1



**NORTHAMPTON**  
BOROUGH COUNCIL

## STANDARDS COMMITTEE REPORT

<b>Report Title</b>	<b>Training Strategy for Councillors – Ethical and Governance Matters</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	20 March 2017
<b>Policy Document:</b>	No
<b>Directorate:</b>	Borough Secretary and Monitoring Officer

### 1. Purpose

- 1.1 The purpose of the report is to ask the Standards Committee to consider adopting a Training Strategy in relation to Ethical and Governance Matters for all Councillors

### 2. Recommendations

- 2.1 To approve the 'Training Strategy – Ethical and Governance Matters' at Appendix 1, which is for all Councillors.
- 2.2 To instruct the Borough Secretary to make arrangements for the delivery of training for Members in accordance with the Training Strategy on Ethical and Governance Matters.

### 3. Issues and Choices

#### 3.1 Report Background and Issues

- 3.1.1 At its meeting held on 19 December 2016, the Standards Committee set up a Working Group to put together a draft Work Plan for the Standards Committee for 2017/2018. Membership of the Working Group consists of Councillors Patel, Oldham, Smith and B. Markham. The establishment of a Work Plan will ensure that the Committee can meet all of its responsibilities and obligations during the year. It is seen as good practice for the Standards Committee to produce an annual Work Plan.

- 3.1.2 As detailed on the Work Plan, the Standards Committee is scheduled to consider on 20 March 2017, a draft Training Strategy for all Members of the Council in relation to ethical and governance matters (and to include specific training for the Standards Committee). The draft 'Training Strategy – Ethical and Governance Matters' was considered by the Standards Working Group (Work Plan) at its meeting on 2 March 2017.
- 3.1.3 The Working Group felt that the draft 'Training Strategy for Councillors – Ethical and Governance Matters' was wide ranging and the topics suggested for inclusion were supported. The Working Group asked that Councillor training on gifts and hospitality is programmed early in the Councillor Development Programme 2017/2018, in consultation with the Councillor Development Group.
- 3.1.4 Appended to this briefing note is a draft 'Training Strategy for Councillors – Ethical and Governance Matters' for the Standards Committee's consideration and comment.

## **3.2 Choices**

- 3.2.1 Members are asked to approve the draft 'Training Strategy for Councillors - Ethical and Governance Matters' at Appendix 1.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

- 4.1.1 This report does not have any direct policy implications.

### **4.2 Resources and Risk**

- 4.2.1 There will be a resource implication, in terms of officer time if training is delivered internally and if external providers are procured, there will be a cost implication.
- 4.2.2 Adopting a comprehensive Training Strategy and delivering high quality training to all Councillors that covers governance matters will assist the Council in reducing any potential risk to the Council that could arise through Councillors being inadequately trained or informed about governance matters.

### **4.3 Legal**

- 4.3.1 There are no legal implications arising directly from this report.

### **4.4 Equality**

- 4.4.1 There are no direct equality and diversity implications arising from this report.

### **4.5 Consultees (Internal and External)**

- 4.5.1 Not applicable.



## **4.6 Other Implications**

4.6.1 None.

## **5. Background Papers**

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5.1 Report and Appendix – Draft Councillor Training Strategy – Ethical and Governance Matters – Standards Working Group (Work Plan) - 2 March 2017

**Francis Fernandes  
Borough Secretary**

**NORTHAMPTON BOROUGH COUNCIL**

**Draft v 2**

**STANDARDS COMMITTEE**

**Councillor Training Strategy – Ethical and Governance Matters**

**1 Introduction**

- 1.1 The Standards Committee is responsible for promoting and maintaining high standards of conduct by Members and co-opted Members of the Council; for assisting Members to observe the Members' Code of Conduct and for promoting high ethical standards within Parish Councils. Within its terms of reference the Standards Committee can also undertake any action that improves, promotes, safeguards and facilitates the highest standard of probity and ethical conduct by the Council, its Members and Officers and advise the Council on ethical aspects of good governance standards for public life.
- 1.2 Members of the Standards Committee may also be required to participate directly in the process of dealing with allegations that a Member has breached the Code of Conduct if a Hearing Panel of the Committee is established following an investigation into an alleged breach of the Code.
- 1.3 It is important that individual Members of the Standards Committee are themselves adequately trained in ethical and governance matters to enable them to act as effective Members of the Committee.
- 1.4 Training in ethical and governance matters is a key aspect of Councillor Development for all 45 Members of Northampton Borough Council.

**2 Key Objectives of the Councillor Training Strategy – Ethical and Governance Matters**

- To identify and provide the training required by Members of the Standards Committee on ethical and governance matters.
- To raise the profile of the Council's ethics and governance agenda and the work of the Standards Committee.
- To improve understanding amongst Members about ethical and governance matters and their responsibilities, to contribute to the strengthening of the Council's overall governance framework.

**3 Outline Training Programme for the Municipal year 2017/2018**

- 3.1 The following ethical and governance training and development topics for Councillors have been identified:

- Members' Code of Conduct (including consideration of the Nolan 'principles of public life') and the Arrangements for investigating alleged breaches of the Code
- Disclosure and Registration of Interests
- Gifts and Hospitality
- Organisational Ethics and Culture
- Anti-Fraud and Corruption Framework including Whistleblowing Policy and Procedure
- Decision Making
- The CIPFA International Framework - Good Governance in the Public Sector
- Such other ethical or governance matters identified by the Council's Monitoring Officer [in consultation with the Chair of the Standards Committee] from time to time.

3.2 Some of the above topics could be delivered together in one Member Development session.

3.3 It is envisaged that some of the training topics will be delivered by internal Officers of the Council and others will be delivered by external training providers.

#### **4 Monitoring**

4.1 Monitoring of the effectiveness of the Councillor Training – Ethical and Governance Matters will take place by form of feedback questionnaires. The findings from the questionnaires will be analysed.

#### **5 Review**

5.1 Councillor Training Strategy – Ethical and Governance Matters will be reviewed annually.

5.2 Councillor Training – Ethical and Governance Matters will be a key component of the Councillor Induction Programme