

25 February 2025

Our Ref Standards Committee 5 March 2025
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To: The Chair and Members of the Standards Committee of North Hertfordshire District Council

District Councillors Alistair Willoughby (Chair), Ian Albert (Vice-Chair),
Ruth Brown, Val Bryant, Elizabeth Dennis,
Dominic Griffiths, Keith Hoskins, Michael Muir,
Vijaiya Poopalasingham, Sean Prendergast, Emma Rowe
and Tom Tyson

Substitutes: Councillors David Barnard, Clare Billing, Sam Collins, Emma
Fernandes, Caroline McDonnell, Ralph Muncer, Paul Ward
and Donna Wright

Parish Councillors Parish Councillor Rebecca Elliott and Parish Councillor
Martin Griffin (Co-opted non-voting Members)

Independent Persons Nicholas Moss OBE (Independent Person),
Patrick Hodson and Wai Bing Hui (Reserve – Independent
Person) – advisory roles

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE STANDARDS COMMITTEE

to be held in the

**COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF**

On

WEDNESDAY, 5TH MARCH, 2025 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item		Page
1.	APOLOGIES FOR ABSENCE Members are required to notify any substitutions by midday on the day of the meeting. Late substitutions will not be accepted and Members attending as a substitute without having given the due notice will not be able to take part in the meeting.	
2.	MINUTES - 23 OCTOBER 2024 To take as read and approve as a true record the minutes of the meeting of the Committee held on the 23 October 2024.	(Pages 5 - 12)
3.	NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
4.	CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
5.	PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	

6. **STANDARDS MATTERS REPORT** (Pages
REPORT OF THE SERVICE DIRECTOR – LEGAL AND COMMUNITY/
MONITORING OFFICER. 13 - 20)

The report updates Members of the Committee on standards issues locally and nationally. It contains a summary of the complaints concluded or received since the last report was presented, as well as any other relevant issues that have arisen between Committee meetings on relevant local (e.g. training provided/ undertaken, and an update on the changes to the Standards Committee's remit).

7. **ANNUAL WHISTLEBLOWING POLICY REVIEW** (Pages
REPORT OF THE SERVICE DIRECTOR – LEGAL AND COMMUNITY/
MONITORING OFFICER. 21 - 36)

The report deals with the review of the Council's Whistleblowing Policy and any concerns raised.

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Public Document Pack Agenda Item 2

NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, DISTRICT COUNCIL OFFICES,
LETCWORTH GARDEN CITY, SG6 3JF
ON WEDNESDAY, 23RD OCTOBER, 2024 AT 7.30 PM

MINUTES

Present: *Councillors: Alistair Willoughby (Chair), Ian Albert (Vice-Chair), Elizabeth Dennis, Emma Fernandes, Dominic Griffiths, Keith Hoskins, Caroline McDonnell, Emma Rowe and Tom Tyson.*

Parish Councillor: Rebecca Elliott Non-voting advisory roles.

Nicholas Moss OBE (Independent Person) and Patrick Hodson (Reserve Independent Person), non-voting advisory roles.

In Attendance: *Isabelle Alajooz (Legal Manager and Deputy Monitoring Officer), Susan Le Dain (Committee, Member and Scrutiny Officer), Jeanette Thompson (Service Director - Legal and Community) and Sjanet Wickenden (Committee, Member and Scrutiny Officer)*

Also Present :

There were two members of the public present.

1 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 10 seconds

N.B. Councillor Dominic Griffiths entered the Chamber at 19:31.

Apologies for absence were received from Councillors Ruth Brown, Val Bryant and Sean Prendergast.

Apologies for absence were also received from Parish Councillor Martin Griffin and Reserve Independent Person Steve Tant.

Having given due notice Councillor Caroline McDonnell substituted for Councillor Brown and Councillor Emma Fernandes substituted for Councillor Bryant.

Councillors Vijaiya Poopalasingham and Michael Muir were absent.

2 MINUTES - 27 MARCH 2024

Audio Recording – 1 minute 43 seconds

Councillor Alistair Willoughby, as Chair, proposed and Councillor Ian Albert seconded and, following a vote, it was:

RESOLVED: That the Minutes of the Meeting of the Committee held on 27 March 2024 be approved as a true record of the proceedings and be signed by the Chair.

3 NOTIFICATION OF OTHER BUSINESS

Audio recording – 4 minutes 5 seconds

There was no other business notified.

4 CHAIR'S ANNOUNCEMENTS

Audio recording – 4 minutes 10 seconds

- (1) The Chair advised that, in accordance with Council policy this meeting would be recorded.
- (2) The Chair drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (3) The Chair advised for the purpose of clarification Clause 4.8.23(a) of the Constitution does not apply to this meeting.
- (4) The Chair clarified matters for the registered speakers.

5 PUBLIC PARTICIPATION

Audio recording – 5 minutes 14 seconds

The Chair invited Mr David Cook to address the Committee regarding the Standards Matters Report. Mr Cook thanked the Chair for the opportunity and provided the Committee with a verbal presentation, including that:

- It was detailed in the appendix to the Complaints Handling Procedure, in relation to a breach of the Code of Conduct for Councillors, the reasons why a complaint might not be investigated. One of these reasons was that a complaint over three months. This should be changed to three months from when there was knowledge of the incident, as it may not be apparent straight away.
- Some complaints may become apparent through a Freedom of Information request.
- Having a hard deadline of three months was not always practical especially if deceit was involved, as this may not become apparent within that timeframe. The procedure should follow the Employment Tribunals style of timing of when a person became aware of the incident. Page 18 of the appendix detailed what a good apology should look like, and he was concerned about a genuine apology and that the Monitoring Officer and designated Independent Person (IP) would potentially be advising on the apology and whether this would conflict with their impartiality. They should, in his opinion refrain from advising on the content of any apology.
- An apology was not impartial if the Monitoring Officer and IP had a hand in it.
- There were concerns whether a secret apology met the tests of the procedure.
- It was felt that if an incident occurred in public then any apology should also be publicly available.

The Chair thanked Mr Cook for his presentation.

6 STANDARDS MATTERS REPORT

Audio recording – 10 minutes 59 seconds

N.B. Councillor Emma Rowe entered the Chamber at 19:49.

The Monitoring Officer presented the report entitled 'Standards Matters Report' and highlighted that:

- The details of the complaints detailed were confidential.
- There had been 11 complaints in 2023 and currently 16 complaints had been received in 2024. Three of the complaints were ongoing.
- The majority of complaints had been dealt with informally and this was detailed in paragraph 8.2 of the report. The report also included any complaints concluded after the Committee meeting in March 2024. The Complaint Handling Procedure had been reviewed against the Local Government & Social Care Ombudsman Code and from advice from the Local Government Association and updated. Discussion regarding the review had taken place with the Independent Person, the Reserve Independent Persons, the Chair, Vice Chair and the Monitoring Officer and this had been approved in June 2024. The Monitoring Officer did not, in the suggested changes to the Procedure at this point, advise amending Procedures or Policies more frequently than that.
- It was standard practice to embed procedures for a least a year.
- The Councillor Code of Conduct training had been delivered with the aid of AI and included questions accessed via a QR code.
- All District Councillors have completed the Code of Conduct training.
- Town and Parish Councillors had been provided with an amended version of the training however, it was not possible to track their completion rate.
- Following the all-out election a Constitutional and Governance Review Working Group had been established and this was detailed in paragraphs 8.11 to 8.19 of the report.
- The review would look at the current committees and decision making bodies, and especially the Standards Committee. It was suggested that the Standards Committee could be merged with an audit or governance committee such as the Finance, Audit and Risk Committee.
- A survey had been sent to Members (and reserves), Co-optees, and Independent and Reserve Independent Persons of the Standards and Finance, Audit and Risk Committees for their opinions with the responses detailed in paragraph 8.17 of the report. This Committee was asked to consider those and decide whether it wished to make a recommendation to the Constitutional and Governance Review Working Group on this issue.

The following Members asked questions:

- Councillor Ian Albert
- Councillor Tom Tyson
- Councillor Elizabeth Dennis
- Independent Person Nicholas Moss
- Councillor Tom Tyson

In response to questions, the Monitoring Officer advised that:

- The Complaint Handling Procedure had recently been reviewed.
- There was a comma missing on page 15 of the report, regarding complaint 15/2024 and there should be a comma after the word report.
- If a serious complaint was reported outside of the three month period, it would be considered however, with time it was harder to investigate and consider complaints. The Procedure that we have has to be considered in the light of the current regime.

- It was likely that the new government would make changes that would affect the code therefore, it would be beneficial to wait to next year before reviewing the Complaints Handling Procedure.
- From memory there had only been one recent complaint received after the three month time period therefore it was not a significant issue.
- The addition of the words 'and the complaint was material' could be considered when reviewing the Code.
- The training was set up via the GrowZone site, which recorded Members access and completion. The GrowZone system was not available to Town and Parish Councillors. It would have been a resource heavy task for Officers to manually chase these Councillors to confirm they had completed the training especially during a General Election period.
- The Membership of the Finance, Audit and Risk Committee would be increased should the merger be approved and there would be additional meetings.
- The Independent Person would not be required to attend all meetings of the Finance, Audit and Risk Committee, just those concerned with standards matters.
- The majority of Hertfordshire Authorities had a Standards Committee. Although not all held meetings and this was also the picture nationally.
- There would still be a need for a Standards Sub Committee.
- Should the Committees be merged, the Finance, Audit and Risk Committee meetings would have Standards themes and governance related items on its agenda. We would possibly need another meeting per year
- At the previous peer review there had been recommendation for a finance scrutiny committee, however, at the time the Independent Member for FAR had just been appointed and it was considered more appropriate to wait until these arrangements had been in place for a while, before deciding whether such a Committee.
- It was further suggested that there could be a merger with the Overview and Scrutiny Committee however, currently they had very busy agendas.
- The Monitoring Officer did not wish to speak for the Section 151 Officer; however he was in support of keeping the meetings separate, as they supported different skills and knowledge sets.

Councillor Dominic Griffiths proposed and Councillor Elizabeth Dennis seconded the motion.

The following Members took part in debate:

- Councillor Ian Albert
- Councillor Elizabeth Dennis
- Councillor Dominic Griffiths
- Councillor Keith Hoskins
- Councillor Emma Fernandes
- Councillor Emma Rowe
- Councillor Tom Tyson
- Councillor Alistair Willoughby

Points raised in debate included that:

- There was a need to get the right balance regarding the three month rule was this the right timeframe or could it be longer.
- The Monitoring Officer could be asked to review the three month rule and look at other legislation and frameworks, pending any government reviews therefore a review of the three month rule could be brought to a future meeting.
- Reducing Committees and meetings was an attractive idea.
- There was not enough information to decide on merging Committees.
- The Finance, Audit and Risk Committee meeting agendas were already busy, merging this with the Standards Committee would have implications.

- Having read the Independent Persons response, this Committee should stay, especially as it has a distinct purpose.
- This Committee set the tone for the Council.
- Any AI search engines would highlight the need for a standalone Standards Committee and other local authorities were in the process of separating their standards issues from finance Committees
- The Committee should not be diluted into another Committee, as there was fundamental work to be completed.
- This Committee held Councillors to account and helped improve their performance. This would not work as well as part of a diluted Committee.

Councillor Keith Hoskins proposed an additional recommendation, 'That the Committee recommended that the working party be urged to retain and strengthen this Committee in consultation with the recommendations and comments from the Independent Person' and this was seconded by Councillor Alistair Willoughby.

Councillor Elizabeth Dennis proposed an additional recommendation 'That the Monitoring Officer reviews and reports back to the Committee on:

- i. Whether the existing three month time limit for complaints to be brought was reasonable and proportionate; and
- ii. Whether the introduction of a secondary jurisdiction time limit based on constructive knowledge was reasonable and proportionate.'

And this was seconded by Councillor Ian Albert.

Having been proposed and seconded and, following a vote, the amendments were carried.

Having been proposed and seconded and, following a vote, the substantive motion was:

RESOLVED:

- (1) That the Committee noted the content of the report and made suggestions on future actions.
- (2) That the Committee noted the potential changes to the Standards Committee and survey responses detailed in paragraph 8.11-8.19.
- (3) That the Committee recommended that the working party be urged to retain and strengthen this Committee in consultation with the recommendations and comments from the Independent Person.
- (4) That the Monitoring Officer reviews and reports back to the Committee on:
 - i. Whether the existing three month time limit for complaints to be brought was reasonable and proportionate; and
 - ii. Whether the introduction of a secondary jurisdiction time limit based on constructive knowledge was reasonable and proportionate.'

REASON FOR DECISIONS: To ensure good governance within the Council.

7 **CODE FOR STATUTORY OFFICERS (HEAD OF PAID SERVICE, SECTION 151 AND MONITORING OFFICERS)**

Audio recording: 1 hour 1 minute and 37 seconds

The Deputy Monitoring Officer presented the report entitled 'Code for Statutory Officers (Head of Paid Services, Section 151 and Monitoring Officers)' and highlighted that:

- The report provided an overview of the Code of Practice on Good Governance for Local Authorities Statutory Officers. The Code was designed in line with the Lawyers in Local Government (LLG), Chartered Institute of Public Finance and Accountancy (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE) frameworks for the highest paid roles.
- The Code related to the Golden Triangle of statutory roles: Head of Paid Services, Chief Finance Officer and the Monitoring Officer.
- The report highlighted the lessons learnt from governance failures, and how these could have been avoided by using these principles.
- The Committee was asked to endorse the Code and establish the seven key principles highlighted in paragraph 8.1 of the report.
- The Code was designed for Statutory Officers but would also be relevant for other Officers and Members to support their roles.
- The Code solidified the practice of good governance and transparency, whilst working in mutual harmony and supporting collaborations to retain relationships. This was a positive measure.
- The Code demonstrated the best practices of the seven principles and should be formally adopted by the Committee.

The following Members asked questions:

- Councillor Elizabeth Dennis
- Councillor Ian Albert

In response to questions, the Deputy Monitoring Office advised that:

- There would be support available for Members and Senior Officers.
- Compliance with the code would be a shared responsibility across the Council.
- Deputies for the Golden Triangle positions were in place.

In response to a question the Monitoring Officer advised that:

- There was not a set deputy for the Head of Paid Services, this was rotated between some of the Service Directors.
- Antonio Ciampa was the deputy for the Chief Finance Officer.
- The details of the deputies would be included in the training.

Councillor Ian Albert proposed and Councillor Dominic Griffiths seconded and, following a vote, it was:

RESOLVED: That the Committee noted the content of the report and Appendix A, and made suggestions on future actions, particularly with reference to 7.6 and 7.7 of this report.

REASON FOR DECISION: To ensure good governance within the Council.

The meeting closed at 8.39 pm

Chair

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TITLE OF REPORT: STANDARDS MATTERS REPORT

REPORT OF: SERVICE DIRECTOR: LEGAL & COMMUNITY / MONITORING OFFICER

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

1.1 The report updates Members of the Committee on standards issues locally and nationally. It contains a summary of the complaints concluded or received since the last report was presented, as well as any other relevant issues that have arisen between Committee meetings on relevant local (e.g. training provided/ undertaken, and an update on the changes to the Standards Committee's remit).

2. RECOMMENDATIONS

That the Committee

- 2.1. notes the content of the report and *makes any suggestions on future actions.*
- 2.2. notes the changes to the Standards Committee's local remit and potential changes in future following the publishing of the English Devolution White Paper¹.

3. REASONS FOR RECOMMENDATIONS

3.1 To ensure good governance within the Council and keep the Committee abreast of changes locally and nationally.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 Group Leaders and the Standards Committee Chair is kept informed of Monitoring Officer and standards matters issues during briefing sessions. The Monitoring Officer also holds quarterly meetings with the Independent Person, Reserve Independent Persons ('IPs') and the Chair and Vice Chair of Committee. Any relevant standards matters comments from the IPs meetings are part of the regular briefings with Group Leaders.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on an Executive key decision and has therefore not been referred to in the Forward Plan.

¹ <https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper#powers-functions-and-funding--the-devolution-framework>

7. BACKGROUND

7.1 Within its terms of reference the Standards Committee has a function “*to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority*”. The Committee will therefore receive update reports from the Monitoring Officer on matters that relate to, or assist with, areas of Member conduct.

8. RELEVANT CONSIDERATIONS

Local

North Hertfordshire complaints/ issues update

Complaints:

- 8.1 The Committee was last updated in October 2024 regarding the numbers of complaints/ summary and outcomes. Those reported below, are complaints and recommendations that have a) been concluded and/ or b) received, since the October 2024 meeting.
- 8.2 During the calendar year of January 2024 – December 2024, **19** complaints/ issues have been received, compared with 11 the previous year. One informal one has been dealt with and one formal one for this year is ongoing as below.
- 8.3 As per normal practice a summary of the complaints and decisions are provided since the last meeting. This reporting below is compliant with the Committee on Standards in Public Life (‘CSPL’) good practice recommendations. Note, where the decision at assessment stage is informal action – the Councillors have not been named. Complaints are treated as confidential, in so far as complainant and the Councillor subject to the complaint is concerned, unless they have reached what will generally be a public stage of the Procedure (i.e. Sub-Committee hearing). Decision outcomes are, however, reported through to the local council Parish/Town/ Community (Clerk and Chair or alternative as appropriate) and relevant Group Leader (or alternative as appropriate). The complaints are as follows – RAG colour coding denotes those completed – Green, with ongoing Orange and outstanding Red :

Complaint about: Parish/ Town or District Councillor	Basic summary of complaint	Action <i>NB Independent Person/ R Independent Person involved in all stages of these complaints.</i>
9/2024 Complaint from a member of the public regarding District Councillor.	Allegation that Councillor had not disclosed a Disclosable Pecuniary Interest (DPI) in an external company and alleged misuse of position for improper advantage or disadvantage.	MO: Initial assessment, complaint not upheld as DPI registered within 28 days, and no evidence at this stage of misuse of position. <i>However, alternate recommendations made regarding involvement with the company and role. Councillor refused to accept recommendations. Reassessment section 5.3.1, external legal advice obtained; amended recommendation made to stand down from the external position within 7 days. Recommendation not acted upon, although potential stand down in 6-8 weeks.</i> [Update since October meeting/ linked to complaint 15/2024 resignation from Company notified

		to MO 29.10.24. Register of Interest updated]
14/2024 Complaint from a member of the public regarding Parish Councillor.	Alleged misconduct by a Councillor during a meeting and allegations regarding the safety of a building.	DMO: had not been an attempt to resolve locally in the first instance and complainant was referred to the Parish concerned to consider and respond. No further action required.
15/2024 Complaint from a member of the public regarding a District Councillor.	Alleged conflict of interest of a Councillor and employment by a company.	MO: No action on the complaint as no evidence in the complaint or as a result of further enquiries that there was any apparent breach of the Councillor Code. At the point of decision, the Councillor had given notice of resignation from the company to the MO on 29.10.24. Register of Interest updated.
16/2024 Complaint from a member of the public regarding a District Councillor.	Alleged conflict with Councillor's employment. Further information requested; none received.	MO: no further action on the complaint. Insufficient information that the Councillor was in capacity or that there was a breach of the Code to proceed further.
17/2024 Complaint from a Councillor against another Town Councillor.	Alleged disclosure of confidential information in a Council meeting.	DMO: no evidence of a breach of the Code and therefore no further action.
18/2024 Complaint from a Town Councillor regarding another Councillor.	Alleged inconsistent approach towards Councillors and access to confidential meeting/ attendance at a meeting held in private session and request to leave.	MO: no evidence of a breach of the Code, no further action save to the Royston Town Council Mayor and Clerk as detailed below: <i>"Whilst the action was consistent with the NALC LTN 5E legal and advisory note of 2022, and the ..Town Council's Standing Orders, it would greatly assist Councillors if the rights to receive confidential papers and attend confidential Committee and Sub-Committee meetings, was consistently applied. It would also greatly assist if information were provided to all Town Councillors regarding their rights to receive and attend such meetings, to avoid confusion and unnecessary escalation of matters to a complaint stage (either internally or to the Monitoring Officer). It is recommended that such advice be provided to Town Councillors as soon as possible by the Clerk/ or Deputy Clerk, but in</i>

		<p>any event within the next calendar month of this decision letter.</p> <p><i>Confirmation that such recommended action has been accepted / or refused (with reasons in the latter case) to the Monitoring Officer."</i></p> <p><i>Deadline for confirmation from Council was 10.2.25. No response received.</i></p> <p><i>Further email sent 17.2.25 requesting confirmation by 19.2.25. No response received.</i></p>
19/2024 issues raised with officers of the Council from a member of the public in respect of a District Councillor.	That a Councillor had disclosed confidential information at a non-Council meeting.	MO: insufficient details of the complaint or complainant received, therefore no further action.
1/2025 complaint in respect of District Councillor.	Ongoing.	Ongoing.
2/2025 issue raised in respect of a District Councillor.	Comments at a Council meeting regarding officers.	MO: apology provided at the next meeting by the Councillor; no further action.

Complaints Handling Procedure - updated:

- 8.4 This was last updated in June 2024. As the English Devolution White Paper has been published and there are proposed changes to the regime (see below), no amendments to the Procedure are proposed at this stage.

Councillor training North Herts District Councillors

- 8.5 All District Councillors undertook training before the last meeting in October. This training was provided as an online course and is available via the Council's Growzone training platform. It is not currently proposed to repeat that training in May or June 2025. This is because it remains current, and as the English Devolution White Paper has been published / there are proposed changes to the regime (see below), further updated training can be provided when any new Code or regime has been enacted.

Constitutional and Governance review

- 8.6 At the last meeting on 23 October 2024, the Committee made a recommendation to the Constitutional Working Group regarding the role of Standards Committee and its remit. The recommendation made by the Committee was (item 6) that:

“(3) That the Committee recommended that the working party be urged to retain and strengthen this Committee in consultation with the recommendations and comments from the Independent Person.”

8.7 The Working Group and then Full Council on 23 January, accepted this recommendation and the Constitution was amended at sections 2.6, 7.5.10, and 7.5.15 as follows, with amendments underlined:

7.5.10 to advise the Council upon the contents of and requirements for ethical codes/protocols/other procedures relating to standards of conduct throughout the Council, including existing or new, with remit to adopt or recommend adoption (where in the latter case, this is reserved to another decision making body);

New:

7.5.15 To consider annually the proposed amendments to the Council's Constitution (sections 1-18) and to make recommendations to Full Council in that regard (such consideration and recommendation is subject to 2.6.2 and 2.6.6, thereby not applying to amendments that are minor, administrative, to effect prior decision of the Council, legislative, or amendments to Officer delegations as reserved to Statutory Officers in the Constitution).

Consequential amendments to other sections in the Constitution:

2.6.1 Approval

Subject to paragraph 2.6.2 below, changes to the Constitution are for Full Council to decide after consideration of the proposals by the Monitoring Officer, on recommendation of the Standards Committee, or on recommendation of the Cabinet.

8.8 It is also worth noting (highlighted to Full Council when the matter was finally determined on 23 January 2025), that on the day after the Committee meeting had taken place, the Deputy Prime Minister announced that a review of local ethical standards arrangements would be undertaken. The English Devolution White paper was published in December (see below), with various proposals – including to the role and remit of the Standards Committee.

8.9 In the light of the amendment to section 7.5.10, a review of one of the Whistleblowing Policy/ Guidance for Managers/ and summary is presented to the Committee, under a separate report, for consideration.

National standards matters

English Devolution White paper²

8.10 The White Paper sets out proposals to cover changes to standards. At the time of preparing this report, there is ongoing consultation³ on the proposals, which closes on 26 February 2025. As detailed in the White paper, proposals include:

- **A mandatory code of conduct** – to establish a higher minimum standard of expected behaviours and ensure consistency, reflecting the government's commitment to public service and to updating the 30-year code to cover discrimination, bullying, use of social media, and other issues not featuring in the current minimum requirements.
- **A requirement for principal Local Authorities to convene formal Standards Committees** – to ensure all Local Authorities have formal, transparent processes to uphold and promote standards.

² <https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper>

³ <https://www.gov.uk/government/consultations/strengthening-the-standards-and-conduct-framework-for-local-authorities-in-england>

- **A role for a national body to deal with the most serious cases and appeals**, as was the case under the former system with the Standards Board for England, subject to discussions with the sector.
- **Powers to suspend, including imposing premises and facilities bans** – to allow Local Authorities to enforce their own standards. The government believes that councils need the ability to address serious misconduct with powers to suspend councillors for a maximum of six months, with the option to withhold allowances where deemed appropriate.
- **Disqualification if subject to suspension more than once** – to curb the risk of “repeat offending” and empower councils to signal that poor behaviour will not be tolerated. Subject to discussions with the sector we will explore immediate disqualification in certain instances of serious misconduct.
- **Interim suspension whilst under investigation** – to reassure the public that action is being taken. This could be used in serious cases that may involve protracted investigations or the police, for example alleged fraud or assault.
- **Publication of all code breach investigation outcomes** – to enhance transparency, giving the public the opportunity to check their council’s record on maintaining good conduct.

8.11 Notification of the consultation was emailed to the Standards Committee on 18 December 2024 (Members, Reserve Members, Independent Persons and co-optees, Leader and relevant Officers). The consultation has also been promoted through Group Leaders since then, in January and February meetings, as well as discussed in the Internal Independent Persons/ Chair and Monitoring Officer & Deputy Group meeting on 17 February. The Chair of Standards Committee has indicated that he has been promoted through Group. The Monitoring Officer and Independent Person have attended various liaison meetings covering the consultation, including an invitation to participate in the Committee on Standards in Public Life discussion/ round table on 20 February. This was reported through on their Committee page on 21 February https://www.gov.uk/government/news/cspl-local-government-standards-roundtable?utm_medium=email&utm_campaign=govuk-notifications-topic&utm_source=80ea5328-6ed2-401d-bec8-c005329c7f28&utm_content=daily An oral update on this can be provided at the Committee meeting.

8.12 Consultation responses will be considered by government, and then primary legislation and/ or amendment to primary and secondary legislation required to enact any changes. The timescale for this is unknown; furthermore the White Paper covers other substantial devolution proposals, which could complicate the legislative approval process. However, changes are likely to be effected to the local ethical standards regime, in some form in the medium term (2-4 year period).

9. LEGAL IMPLICATIONS

9.1 The terms of reference of the Standards Committee include, at paragraph 7.5.1 of their terms of reference “to promote and maintain high standards of conduct by Members and Co- Opted Members of the authority”.

10. FINANCIAL IMPLICATIONS

10.1 There are no capital or revenue implications arising from this report at this stage.

10.2 There were costs consequences for external legal advice obtained on complaint 9/2024 – of £2400 plus VAT. There is likely to be external costs for complaint 1/2025.

11. RISK IMPLICATIONS

- 11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 Good governance and high ethical standards of conduct ensure that local government decisions are taken in the public interest..

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report as this is not a procurement or contract.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1 There are no financial implications to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 None other than again highlighting the ongoing resource implications for the complaints received.

16. APPENDICES

- 16.1 None.

17. CONTACT OFFICERS

- 17.1 Jeanette Thompson Service Director: Legal and Community (& Monitoring Officer):
Jeanette.thompson@north-herts.gov.uk
- 17.2 Ian Couper: Service Director: Resources.
- 17.3 Georgina Chapman: Policy & Strategy Team Leader.

18. BACKGROUND PAPERS

- 18.1 None other than those referred to/ linked above.

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PART 1 – PUBLIC DOCUMENT

AGENDA ITEM No.

TITLE OF REPORT: ANNUAL WHISTLEBLOWING POLICY REVIEW

REPORT OF: SERVICE DIRECTOR: LEGAL & COMMUNITY / MONITORING OFFICER

COUNCIL PRIORITY: THRIVING COMMUNITIES / ACCESSIBLE SERVICES / RESPONSIBLE GROWTH / SUSTAINABILITY

1. EXECUTIVE SUMMARY

1.1 The report deals with the review of the Council's Whistleblowing Policy and any concerns raised.

2. RECOMMENDATIONS

That the Committee

2.1. Considers and notes the Annual Report, together with the actions proposed post benchmarking.

2.2. To approve the Whistleblowing Policy, Appendix 1, as amended.

3. REASONS FOR RECOMMENDATIONS

3.1 Good practice indicates that the Whistleblowing Policy should be reviewed annually. It affords the opportunity to comment on and improve arrangements at the Council.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Monitoring Officer has liaised with the external charity Protect and undertaken their benchmarking exercise – for the Council's size organisation call the 'scanner'. Following this there are several recommendations to consider, detailed below.

6. FORWARD PLAN

6.1 This report does not contain a recommendation on an Executive key decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

7.1. There is no legal requirement to have a Whistleblowing Policy ('the Policy'), however, the Council has an established one, with associated documents, which are reviewed annually by the Monitoring Officer. It is based on the Council's charitable partner's (Protect) pro-forma (which is a more corporate version) adapted for local government/ localised arrangements.

7.2. In the last two years, there has been minor administrative amendments to the Policy and arrangements.

- 7.3. The Policy expressly provide a position and process around protections for staff (and associated workers/ agency staff/ contractors and Members) who wish to make a public interest disclosure. This reflects the legal protections under the Public Interest Disclosure Act 1998. The current Policy is available on the Council's website [\[CLICK HERE\]](#), with associated pages for reporting concerns in relation to contracts and procurement [\[CLICK HERE\]](#), as well as internal Hub resources on the Policy/ Record of complaint/ Advice for Managers / and a quick Reference Guide. There are also posters in the Council's DCO on each floor reminding how to report a concern and the annual reviews are accompanied by Member Information and Insight communications.
- 7.4. One of the reasons for bringing a report to the Standards Committee, is to increase awareness of the way in which whistleblowing disclosures would be dealt with and to raise confidence among whistleblowers that their disclosures will be taken seriously. Note that an anonymised form of any Whistleblowing concern raised, is covered in the Annual Governance Statement which is reported and approved by Finance Audit and Risk Committee. The Annual Governance Statements are then available on the Council's website.
- 7.5. Since the Policy was last reviewed in January 2024, there has been no whistleblowing concerns raised. This compares with one in May 2023.
- 7.6. As part of the annual review, the Monitoring Officer undertook a self-assessment benchmarking process through its partner organisation Protect. Again this is an appropriate tool regarding the size of the Council, but not necessarily comparable to the arrangements within a local authority. The scanner benchmarking scores indicated the following:
- Governance – 96%
Engagement – 36%
Operations – 76%
- See below and the scanner recommendations.
- 7.7. Otherwise, in terms of legislative changes that may impact on the requirements, in March 2023, the UK government launched a review of the whistleblowing framework. The review sought evidence on the effectiveness of the current regime in meeting its original objectives. Those objectives were: providing a route for workers to make disclosures; protecting those who do so; and supporting wider cultural change to recognise the benefits of whistleblowing. The evidence gathering stage of the review was concluded in 2023.
- 7.8. A Whistleblower Bill introduced in the House of Commons at the end of January 2024. It proposes, among other things, to introduce a new Office of the Whistleblower; new civil offences (for which financial penalties may be issued by the Office of the Whistleblower); and criminal offences for subjecting whistleblowers to detriment (punishable by fine and/or imprisonment). The Bill was paused after the general election, with no further information on the second reading date.

8. RELEVANT CONSIDERATIONS

- 8.1. A few amendments have been made to the Policy, largely administrative, together with details of further external reporting arrangements.
- 8.2. As indicated in 7.6 above, several practical recommendations were made to improve arrangements:

1. Governance

This was a good score.

To report annually.

To continue to discuss at senior management level

Use the scanner tool to identify strengths and weaknesses – as this will assist with a workplan moving forward.

Response – more work will be undertaken with the Leadership team (concerns are discussed by the Statutory Officers/ although more could be undertaken with the Leadership team).

The scanner will be used as part of any review, pre-report to Standards Committee (which will be an annual item).

2. Engagement

You appear to have a number of things in place - but there is still room for improvement.

Bringing your arrangements to life and engaging with staff and managers is an area many organisations find more difficult than the other sections of Governance and Operations, so a focused effort needs to be regularly made.

Consider implementing a network of individuals who are visible to staff to promote the whistleblowing arrangements (e.g. whistleblowing advocates). Managers remain a key part of arrangements and should communicate regularly with their teams.

If not already doing so, consider building questions on whistleblowing awareness and confidence into wider engagement surveys.

Make sure all groups receive appropriate training based on their role. Are all staff fully aware and confident in arrangements, and know how to raise a concern? Can managers identify concerns as whistleblowing (compared to grievances), know what is expected of them and respond effectively?

Response – more work will be undertaken with Senior Management/ workers and Members following this report. Annually staff sign a letter to say that they are aware of these arrangements and the Policy. However, the Monitoring Officer has had discussions with Protect regarding training arrangement for senior managers. The Monitoring Officer will liaise with HR further on this and the topic of ‘whistleblowing advocates’.

3. Operations

This is a good score for Operations.

To maintain this, and keep working towards best practice:

Lessons learned as part of whistleblowing cases should be fed back to the appropriate function, and appropriate action taken.

In addition to providing feedback to whistleblower's on the outcome of concerns that are raised, consider whether you also give regular updates to the whistleblower during the investigation process.

Review feedback that you receive to identify any lessons learned on the operation of the whistleblowing arrangements.

Response: Any actions or improvements are confirmed to the person who raised the concern (if they have provided their details), and summarise the actions, in the AGS that is reported through to the Finance Audit and Risk Committee and is available on the website.

- 8.2 Otherwise, any further changes to the Policy following the consideration of the Whistleblowing Bill will be considered as part of the 2026 review.

9. LEGAL IMPLICATIONS

- 9.1. Within the Committees updated terms of reference at 7.5.10 it should “..advise the Council upon the contents of and requirements for ethical codes/protocols/other procedures relating to standards of conduct throughout the Council, including existing or new, with remit to adopt or recommend adoption (where in the latter case this is reserved to another decision making body)” which is to include the annual review of the Whistleblowing Policy and arrangements.
- 9.2. The statutory basis for whistleblowing is contained in the Employment Rights Act 1996 (as amended by the Public Interest Disclosure Act 1998). This provides the right for the worker to take a case to an employment tribunal if they have been victimised at work or lost their job because they have effectively ‘blown the whistle’. As indicated, the law does not require the Council to have a Whistleblowing Policy; however, the Business Innovation & Skills Department¹s Whistleblowing Code of Practice, states that it is best practice to have one or appropriate written procedures in place. The current whistleblowing arrangements confirm the rights and aim to create an organisational culture where staff, agency workers, contractors and Members feel safe to raise a concern.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no capital or revenue implications arising from this report at this stage. However, an annual membership fee is paid to Protect for level one membership. There may also be further training costs relating to the recommendations above.

11. RISK IMPLICATIONS

- 11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2 Appropriate policy frameworks help to ensure good governance of the Council and therefore reduce risk of poor practice or unsafe decision making.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 The Policy is open to all staff, agency workers, contractors and Members. It is not considered that the operation of the Policy has any negative impacts on groups with a protected characteristic.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report as this is not a procurement or contract.

14. ENVIRONMENTAL IMPLICATIONS

¹ [Whistleblowing: guidance and code of practice for employers - GOV.UK](https://www.gov.uk/guidance/whistleblowing-guidance-and-code-of-practice-for-employers)

14.1 There are no financial implications to this report.

15. HUMAN RESOURCE IMPLICATIONS

15.1 Further discussions will be undertaken with HR regarding staff training.

16. APPENDICES

16.1 Appendix 1 – Whistleblowing Policy (amended with tracking).

17. CONTACT OFFICERS

17.1 Jeanette Thompson Service Director: Legal and Community (& Monitoring Officer):
Jeanette.thompson@north-herts.gov.uk

18. BACKGROUND PAPERS

18.1 None other than those referred to/ linked above.

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Whistleblowing Policy

What is this Policy about?

The Council is committed to conducting its business with honesty and integrity, and we expect all those who work for the Council and Councillors to maintain high standards in accordance with their respective Codes of Conducts (or any service or goods contracts with them). 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.

The Council therefore introduced this Policy to reassure that it is safe and acceptable to speak up. The Council recognises the importance of whistleblowing and promotes it as part of its commitment to ensuring good governance. It needs your help to make this work effectively.

This Policy applies to all “workers”¹ i.e. employees, casual workers and agency / contract workers, whether fulltime, part time or volunteers.

Members are not “workers” in the whistleblowing sense, but are nonetheless encouraged to utilise the reporting systems if they have relevant concerns.

The aims of this Policy are:

- To explain the Council's approach to confidential whistleblowing reporting.
- To encourage workers 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.
- To provide workers with guidance as to how to raise those concerns.
- To reassure workers that they should be able to raise genuine concerns without fear of reprisals, even if they turn out to be mistaken.
- To provide a comprehensive approach towards whistleblowing to address concerns as quickly and effectively as possible.

This Policy takes account of the Department for Business Innovation & Skills Whistleblowing: Guidance for Employers and Code of Practice², and Protects model Whistleblowing Policy³.

This Policy does not form part of any employee's contract of employment and the Council may amend it at any time.

What this Policy does not cover

The Council recognises that grievances and whistleblowing issues often become entangled, for example where an employee's personal grievance raises wider issues such as health and safety.

1 To reflect the Employment Rights Act 1998 definition where individual introduced or supplied to do work by a third person, and the terms on which they were engaged were substantially determined not by them but by the person for whom they work or worked (by the third person or by both of them).

2 March 2015

3 An independent Charity which seeks to ensure that concerns about malpractice are properly raised / addressed in the workplace. PCAW Best Practice Guidance November 2015.

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However, if this is a personal grievance (and you are an employee) then you should use the Council's Complaints Resolution procedure, as the Whistleblowing Policy does not cover complaints about your employment or any grievance about the conditions of your employment or the way you may have been treated. Those matters are covered by the Complaints Resolution Policy or the Bullying and Harassment Policy which can be found on the intranet. The Whistleblowing Policy should be used when there is a risk to the interests of others or the Council.

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You should also use the Complaints Resolution procedures if you believe you have suffered **a detriment as a result of making a whistleblowing disclosure**, OR the relevant appeals procedure if you have been disciplined or dismissed **and you believe this is as a result of making a whistleblowing disclosure**. If you believe this to be the case, you should also raise this with the Monitoring Officer (so that this issue can be recorded as potentially linked to a disclosure).

Once a matter has been raised under the Complaints Resolution Policy, Appeal and / or the Whistleblowing Policy the Council will carefully consider which procedure is appropriate for dealing with your complaint/ concern.

This Policy does not cover allegations that Councillors may have breached the Member Code of Conduct. The Code of Conduct is available in Section 17 of the Constitution on the Internet:

<http://www.north-herts.gov.uk/home/council-and-democracy/council-constitution>

A complaint form about Councillor conduct is also available on the Internet:

[Complain about a Councillor | North Herts Council \(north-herts.gov.uk\)](#)

This Policy is not intended to be used by external third parties acting on the Council's behalf unless they are agency staff. An agency worker is encouraged to raise the issue with the Council (and their employer company/ agency under their procedures). *Any worker may also raise concerns regarding third parties providing a service (or goods) on the Councils behalf directly with the Monitoring Officer – outside of this Policy, if it covers the issues listed below*.*

What if my concern relates to the treatment of children or vulnerable adults?

All employees have a legal duty to recognise, respond and refer any concerns that they have relating to the treatment of children or vulnerable adults. To achieve this, all employees need to be aware of basic procedures to follow whether they regularly work with children or vulnerable adults or have ad hoc contact or have no direct contact at all. If there is concern about this or potential radicalisation (and the prevent strategy) please **refer to the internal Safeguarding Children and Safeguarding Adults at Risk Policies for details:**

[Safeguarding \(sharepoint.com\)](#)

If, however, this relates to a concern about an employee failing to follow the Council's safeguarding policies, this procedure may be used.

You may also raise terrorism concerns with the Council's Corporate Safeguarding Group.

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THE COUNCIL'S POLICY

All of us at one time or another has a concern about what is happening at work.

Usually these are easily resolved. However, when the concern feels serious because it is about a possible fraud, danger or malpractice that might affect others or the organisation itself, it can be difficult to know what to do. *However, if in doubt – raise it.*

The Council (Officers and Members) are committed to running the organisation in the best way possible. The Monitoring Officer has overall responsibility for the operation of the Policy and maintains a record of concerns raised and the outcomes of investigative work in a form which does not endanger your confidentiality.

Whistleblowing reports may be presented to the Finance, Audit and Risk Committee (FAR) and the Cabinet (as part of a confidential report). This will be considered on a case by case basis depending on the nature and seriousness of the concern raised. An anonymised summary of any concerns raised through the Whistleblowing procedures and any recommended actions are also contained within the Council's Annual Governance Statement, which is considered by FAR and any actions monitored through this route.

What is Whistleblowing?

Whistleblowing (sometimes called speaking up or raising a concern) is the common term used when a worker reports suspected wrongdoing at work. This includes raising a concern about the way that the Council operates which could put colleagues, Councillors, the public or the Council in danger or lead to financial problems and/or put its reputation at risk. This applies to reports of:

- criminal activity (including potential bribery, corruption, financial fraud or mismanagement);
- failure to comply with a legal obligation or requirement;
- dangers to health and safety;
- a miscarriage of justice;
- damage / likely damage to the environment;
- deliberate concealment of any of the above matters.

A whistleblower is a person who raises a genuine concern relating to any of the above. The Council recognises that a worker is often the first to realise that there may be something seriously wrong within the Council. However, you may not feel able to express your concerns because you believe that speaking up would be disloyal to your colleagues or to the Council. You may also fear harassment or victimisation. In these circumstances you may think it is easier to ignore the concern rather than report what may be a suspicion of misconduct.

Nonetheless, if you have any genuine concerns related to suspected wrongdoing or danger affecting any of the Council's activities you should report it under this Policy, as this can be dealt with confidentially and protection/ support can be offered if you do so. This applies to Members also.

How do I raise my concern?

We hope that in most cases you will be able to raise any concerns with your line manager. You can raise your concern verbally or in writing, as part of your 1.2.1s or as soon as your concern arises. Remember that you will need to set out the background and history of the concern (giving relevant dates wherever possible) and explain the reason you are particularly concerned about the situation.

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

You may invite your trade union representative or a work colleague to be present at any meetings or interviews held in connection with the concerns you have raised.

Members can raise their concerns directly with the Monitoring Officer.

If you do not believe you can raise your concern internally, you may raise a concern directly with the Shared Anti-Fraud Service, the Shared Internal Auditors or it is also possible to make a disclosure to a "prescribed person"⁴ as specified by statute, such as HM Revenue & Customs, the Health & Safety Executive, the Serious Fraud Office (SFO) and regulators such as the Financial Conduct Authority (FCA). If you wish to discuss options you may also contact the Independent charity 'Protect' (see below).

Anonymous Allegations

The Council would like to promote a culture of openness and honesty amongst its workers and Members and you are encouraged to put your name to your allegation whenever possible.

Concerns expressed anonymously are much less powerful but will be considered at the discretion of the Monitoring Officer. In exercising this discretion the factors to be taken into account would include:

- the seriousness of the issues raised;
- the credibility of the concern; and
- the likelihood of confirming the allegation from other sources.

Please remember that if you do not tell us who you are (and are therefore raising a concern anonymously) it will be difficult for us to look into the matter. It is impossible to ask for any further information, give you feedback, or protect your position and it might not be possible to continue an investigation without your personal evidence of the wrongdoing.

Who do I speak to/ contact?

You should feel confident to come forward with any concerns you have and as indicated this should ideally be with your line manager.

Where your concern relates to a serious or sensitive matter, one which you do not want to raise with your line manager, or you suspect management is involved, you should approach the Monitoring Officer directly.

If you have told your line manager, then they will tell the Monitoring Officer about your concerns as soon as is practicable, and prior to any investigative work being carried out. Ordinarily, the Monitoring Officer may expect your line manager to lead on initial enquiries or deciding how investigating the matter and will liaise with the line manager before a decision is taken on how the matter will be handled (investigated or referred for investigation). You can speak to the Monitoring Officer at any time if you are concerned about the way your line manager is handling the issue.

If you want your identity to remain confidential please tell the Monitoring Officer.

The Monitoring Officer can be contacted as follows:

- Monitoring Officer – Tel: 474370 or
- by email to 'Monitoring.Officer@north-herts.gov.uk'.

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⁴ Note, in order to be protected, persons making a disclosure to a "prescribed person" must reasonably believe that the matter being reported is within the remit of that entity and that the information disclosed is "substantially true".

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The Monitoring Officer email address is a confidential email address which is only accessed by the Monitoring Officer, Deputy Monitoring Officers and Monitoring Officer's PA.

Who else can I speak to/ contact?

If you have reported your concerns but do not think that the line manager or Monitoring Officer is dealing with them properly, you might wish to raise the matter with the Chair of the Council's Standards Committee. The Chair is a Councillor and they can ask the Monitoring Officer for a report on how any matter is proceeding.

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You may also wish to raise an alleged fraud concern with the Hertfordshire Shared Anti-Fraud Service: Fraud.Team@hertfordshire.gov.uk , or the Hertfordshire Shared Internal Auditors, contact details on the following page: [CLICK HERE](#)

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If your concern is about the Monitoring Officer you should contact the Chair of the Standards Committee, the Chief Executive, or Protect (contact details below).

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If you believe that the matter is so serious that you cannot discuss your concern with an internal officer, you can contact the Council's Shared Internal Audit Service or Shared Anti-Fraud Service. This should only be used for the most serious matter where you are unable, or unwilling, to report the matter internally.

If you do take the matter outside the Council, you should be aware of the confidential nature of the information you possess and only divulge what is absolutely necessary to establish your concern. It is strongly recommended that you seek external legal advice or the advice of a trade union officer before taking this action.

Getting some advice

If you are unsure about whether or how to use this Policy or want independent advice, you may contact the independent charity Protect. Their advisors can give you free confidential advice at any stage on how to raise a concern about serious malpractice at work. Their contact details are:

Protect Advice line: <https://protect-advice.org.uk/advice-line/>
Protect Advice Line: 020 3117 2520
Address: The Green House, 244-254 Cambridge Heath Road, London E2 9DA
Website: <https://protect-advice.org.uk/>

You may wish to consider discussing your concern with a colleague first and you may find it easier to raise the matter if there are two (or more) of you who have the same concern. However please carefully consider the need to maintain confidentiality to protect any potential investigation and prevent those who are the subject of the concern being made aware of it through a third party. You can also contact your union or professional body (where applicable) for advice.

What protection will I receive?

Employment protection and legal rights

If you are dismissed or victimised for whistleblowing, the protection you are offered is different depending on what type of worker you are.

Employees:

There is employment protection available for workers. If you raise a genuine concern you will not be at risk of losing your job or suffering any form of detriment/ retribution. The Legislation makes it unlawful for the Council to dismiss anyone or allow them to suffer a detriment on the basis that they have made a protected disclosure. A worker should not be victimised for invoking this Policy even if the reported breach is not substantiated, proven or you were mistaken. The Council will not tolerate any harassment or victimisation (including informal pressures) because you have raised a concern and

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will consider taking action under its Bullying and Harassment Policy or Managing Misconduct Policy deemed necessary to protect you when you raise a concern in the public interest. The Council will not apply pressure on you to withdraw a concern.

Note: Colleagues must not mistreat a fellow worker for reporting a whistleblowing concern. If an employee is involved in such conduct they may be subject to disciplinary action, including dismissal under the Council's Managing Misconduct Policy. In some cases the whistleblower has the right to sue someone who has done this to them personally (in an Employment Tribunal), if they can show they were subjected to a detriment from that person as a result of the protected disclosure.

If, however, someone makes an untrue allegation maliciously or for personal gain, consideration may be given to taking disciplinary action. Disciplinary matters are for managers to consider but they will discuss the matter with the Monitoring Officer and Human Resources.

Workers that are 'non-employees':

If you are not an employee and your contract has been terminated or you have been victimised you should be able to take your case to an Employment Tribunal and claim that you have suffered 'detrimental treatment'.

Members:

Members are obviously not employees or non-employees under the above definitions. They cannot be dismissed for raising a protected disclosure as they are ultimately accountable to the electorate and subject to an election process.

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

Confidentiality

The Council hopes that the protection it offers will encourage you to raise your concerns openly but you can ask that your identity is not disclosed when the matter is being investigated. If you ask for confidentiality, the Monitoring Officer will advise you about whether your concern can be investigated if your identity is withheld. If so, the Council will make every effort to keep your identity confidential. In some cases it may be necessary to disclose details of your allegation to the Police or the Council's auditors or the Shared Anti-Fraud Service, for example where the matter is likely to result in criminal proceedings or where the Council has a statutory obligation such as a requirement to report.

You should understand that if your personal evidence is necessary to prove your claim you might need to consider revealing your identity. The Monitoring Officer can discuss this with you.

In terms of data protection, the relevant legislation does not impose an exact timeframe for retention of a whistleblower's personal data. Storage periods may vary significantly and it is difficult to know exactly how long any complaint information will be required; however, to provide some certainty the Council shall retain personal data for six years or until the case is closed and the issue is resolved (whichever is the later date).

How will the Council respond?

The timescales for a response will vary depending on the circumstances of the concern raised. You will be informed of the likely timescales for receiving a response and will be updated as to progress against that estimate. The appended flow chart gives an idea of how the Council will respond.

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If you have raised your concerns with your line manager, they will be able to keep you informed of what action they and/or the Monitoring Officer are taking to resolve your concerns.

If you raise your concerns with the Monitoring Officer there is a two step process for deciding what action might be appropriate (this may or may not involve your line manager).

Step 1

As indicated above, ordinarily, the Monitoring Officer may expect your line manager to lead on initial enquiries or decide whether or not an informal review or an internal investigation is warranted. Ordinarily the concern will be acknowledged within 2 working days. The line manager will liaise with the Monitoring Officer before any decision is taken.

If the Monitoring Officer is leading on the matter, ~~they~~ will make initial enquiries to decide whether or not an informal review or an investigation is warranted.

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In both cases the line manager or Monitoring Officer's decision to proceed or not will be supported by reasons which will be given to you in writing

Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted. When you raise the concern, it would be helpful to know how you think the matter might best be resolved. If you have any personal interest in the matter, you should tell us at the outset.

Step 2

If an investigation is necessary the Monitoring Officer may ask the line manager, the Deputy Monitoring Officer(s), Audit or a similar service to carry this out, or in more serious cases, refer the matter to the Police for investigation. The Monitoring Officer will tell you who is handling the case and what further assistance may be required from you. Your identity will not be revealed to the investigating officer (unless this is your line manager and you have reported this to them), if you have asked for confidentiality but you will be told how to contact the investigator if you want to do so. This may, however, cause severe difficulties investigating any concern.

The Monitoring Officer will also try to give an indication of:

- how it is proposed to deal with the matter;
- how long it will take to provide a final response;
- whether any initial enquiries have been made; and
- workers support mechanisms.

The outcomes of investigations carried out by an investigating officer will be reported back to the Monitoring Officer. Wherever possible you will be given feedback about the investigation⁵. However, sometimes the actions that are proposed involve a duty of confidence that the Council owes another person, for example when taking disciplinary proceedings. It will not be possible to tell you about such actions.

If you are required to give evidence in criminal or disciplinary proceedings the Council will consider any request for advice and support about the procedure.

If you believe you require further support during an investigation, you can contact the Council's confidential employee assistance provider or Protect.

Reviewing the outcome

⁵ As soon as possible, feedback within 3 months

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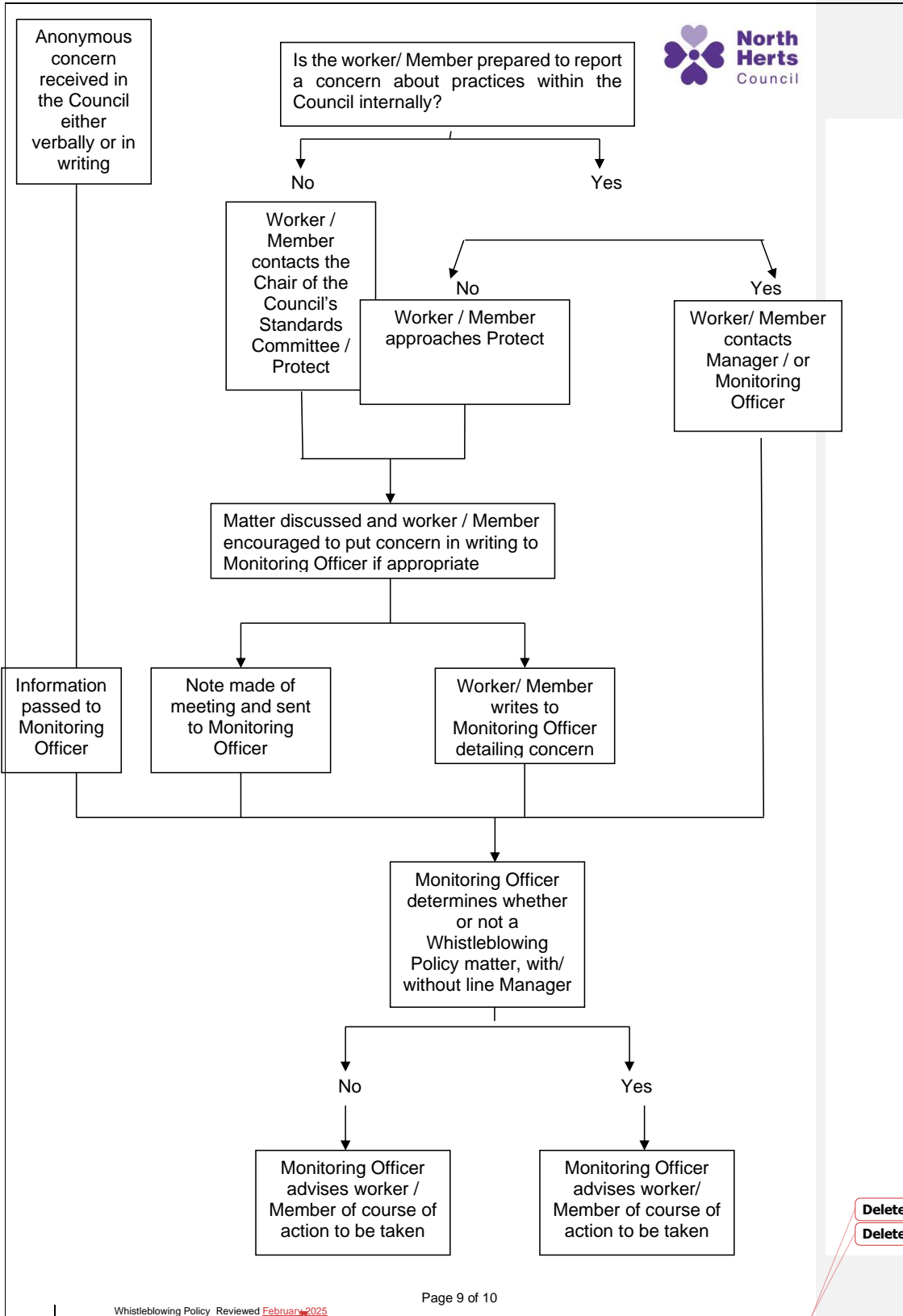
This Policy is intended to provide you with an avenue to raise your concerns. If you are unhappy with the outcome of any investigation and can provide additional information not considered before, you can ask the Monitoring Officer to review an investigation. Alternatively you may wish to speak to Protect or the Council's auditors.

All workers and Members are responsible for the success of this Policy, 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: Monitoring.Officer@north-herts.gov.uk

The Policy will be reviewed annually.

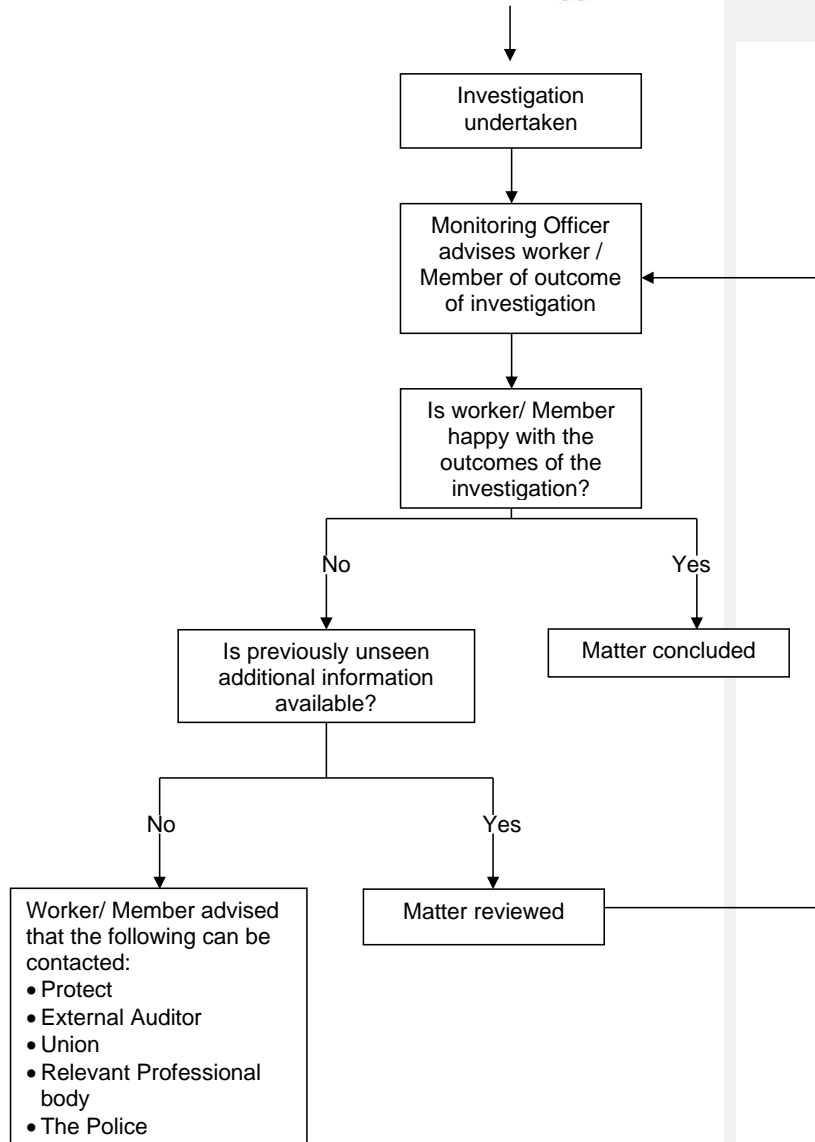
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